

PINE TREE LEGAL ASSISTANCE 2012 BOARD ORIENTATION MANUAL



BOARD OVERVIEW

- Welcome
- 2012 Board Responsibilities Overview
- Board donated time form
- Client member reimbursement form
- 2012- 2013 Board of Directors Roster
- 2012 – 2013 Draft Committee List
- 2012 – 2013 Draft Calendar
- Staff Roster

GENERAL RESPONSIBILITIES OF LEGAL AID BOARDS

- Overview document
- Outline of ABA Standards related to legal aid boards
- Sample of LSC Board Requirements

BOARD RESPONSIBILITIES: CLIENT SERVICE

- Background information about PTLA
- Statement of Priorities
- PTLA Offices and Service Areas
- 2010 – 2011 annual Case Service Statistics
- 2011 Case Outcomes
- Client Grievance Policy

BOARD RESPONSIBILITIES: FINANCIAL

- One page overview on Board financial responsibilities
- Pine Tree's Budgeting Approach
- Pine Tree's Fraud and Risk Assessment Policies
- Board operating reserve fund

BOARD RESPONSIBILITIES: ORGANIZATIONAL (INCLUDING DIRECTOR AND STAFF)

- 6 page overview of Organizational Responsibilities
- 3 page Better Business Bureau Standards for Charity Accountability
- 10 page Pine Tree Board Strategic Plan (2007)
- 2 page Emergency Succession Plan (2010)
- 2 page Summary of Union Contracts (2012)
- Pine Tree Legal Assistance Articles of Incorporation
- Pine Tree Legal Assistance By – Laws (updated 2012)

BOARD RESPONSIBILITIES: RESOURCE DEVELOPMENT

- Key roles in fund development
- Comparison of Gift Programs
- 2011 Fundraising Overview
- Creating the most effective fund development program

MAINE'S CIVIL JUSTICE SYSTEM

- Pine Tree Legal Assistance history (4 page)
- Description of Maine's civil legal aid providers
- Chronology of legal service providers in Maine
- An Acronym "cheat sheet" for legal services in Maine
- Bibliography and web links to additional information

PINE TREE LEGAL ASSISTANCE, INC.

<http://www.ptla.org>

88 Federal Street

P.O. Box 547

Portland, ME 04112-0547

(207)-774-4753

TTY 828-2308

FAX 828-2300

September 12, 2012

Nan Heald
Executive Director

Elinor Miller
Assistant Director

Welcome New and Returning Board Members:

Augusta Office
39 Green Street
P.O. Box 2429
Augusta, ME 04338-2429
622-4731
Fax: 623-7774

This year, Pine Tree Legal Assistance marks its 45th year as Maine's oldest and largest legal services provider. On behalf of our entire staff of 53 people working in six locations around the State, please accept our thanks and appreciation for the ways in which you support our program and our services through your active participation on the Board of Directors.

Bangor Office
Coe Building
61 Main Street
Bangor, ME 04401-6374
942-8241
Fax: 942-8323

Many of Pine Tree's staff people have been with the program for more than 20 years and their understanding of local community needs and resources is unparalleled in the State. Others have joined the program more recently, but they share the same commitment to vigorous and effective advocacy, to serving the clients who request our assistance with dignity and respect, and to providing the highest possible quality of work.

Portland Office
88 Federal Street
P. O. Box 547
Portland, ME 04112-0547
774-8211
Fax: 828-2300

Despite perennial funding challenges, Pine Tree remains a strong and vibrant organization, committed to justice for low-income Maine residents. Each year, we discover new ways to advance the goal of justice for all Maine people through our individual client representation and staff involvement in a wide range of collaborations and community activities and we continue services that were as essential in 1967 as they are today, representing poor people confronted with the loss of housing, denied due process in a government benefits program, or left without medical care, education or another essential service.

Presque Isle Office
373 Main Street
Presque Isle, ME 04769
764-4349
Fax: 764-2455

**Farmworker and
Native American Units**
Coe Building
61 Main Street
Bangor, ME 04401-6374
942-0673
Fax: 942-8323

We look forward to working with you in the coming months.

Outreach Numbers
Lewiston
784-1558

Machias
255-8656

Nan Heald
Executive Director

Pine Tree Legal Assistance Board of Directors Responsibilities
(2012)

Pine Tree Legal Assistance is directed by an active 26 member Board of Directors, drawn from around the State of Maine and including representatives of many different communities, client populations and concerns.

Because Pine Tree Legal Assistance is a recipient of funding from the federal Legal Services Corporation, the actual membership of the Board must comply with specific federal regulations (at 45 CFR Part 1607). At its current board size of 26 members:

- 60% of the Board (16 Board members) must be attorneys licensed to practice in the State of Maine;
- One-third of the Board (9 Board members) must be individuals who are financially eligible to receive assistance from Pine Tree Legal Assistance and are representatives of groups or organizations in Maine;
- One Board member serves as an “at large” member and is elected by the Board;

Board members usually serve a minimum two-year term, unless they are replacing someone in the middle of board service. Board members may be reappointed or re-elected for an indefinite number of terms. The most experienced member of the Board has served in that capacity since 1981 (attorney William Black); six board members will be seated for the first time in September 2012.

The proposed calendar for 2012- 2013 assumes a total of five meetings, including two that will take place in Augusta, Maine on a Thursday afternoon from 1 -4; The other meetings will be held on Thursday afternoons via videoconference from Pine Tree office locations in Portland, Lewiston, Augusta and Bangor.

All Board members are expected to donate their time involved in Board service (and asked to periodically document that time for Pine Tree). Because of their limited financial resources, consumer representatives are reimbursed for actual expenses associated with their service, including mileage and/or meals, where appropriate.

Board members are strongly encouraged to attend all Board meetings or to notify staff or the Board President in advance if they are unable to do so. Participation in Board meetings and other program activities is a factor in reappointment decisions.

Current Board Committees include the following:

- **Executive Committee:** This committee develops initial policies; acts as sounding board for Executive Director; coordinates all other board committees; performs Board

evaluation; monitors, nurtures and evaluates the Executive Director; and acts for the full Board when so authorized or when necessary.

- **Finance Committee:** This Committee ensures accurate and complete financial records are maintained; ensures accurate, timely and meaningful financial statements are prepared and presents same to the Board regularly; reviews draft budgets (prepared by staff); presents to Board; anticipates financial problems and possible mitigating factors; oversees safeguarding of organization's assets; ensures compliance with federal, state and other reporting requirements; recommends selection of auditor; and meets with the auditor during the annual exit interview.
- **Program Committee:** This committee develops plan for solicitation of input on needs of low-income clients; establishes and maintains contact with representative organizations and institutions that work with low-income individuals; conducts program priority assessments of the needs of low-income clients at least every three years; updates the Pine Tree "Statement of Priorities" for Board consideration; and conducts review of program performance, client needs, and other aspects of the program's overall effectiveness during the year.
- **Governance Committee:** This Committee is responsible for Board recruitment, training and support of Board members. In 2012, it also will be developing a system by which to review the performance of the Board as a group, as well as individual board member contributions.
- **Fundraising Committee:** This new Committee is primarily focused on launching a special 'major gifts'/ endowment campaign in connection with Pine Tree's upcoming 50th anniversary.

Other Committees that are convened "as needed" include:

- **Grievance Committee:** This Committee hears client grievances and such other matters as may be referred to it by the Board or the President. Typically, the grievances would involve services provided or refused by Pine Tree;
- **Negotiating Committee:** This Committee develops and presents the corporation's position in contract negotiations with the Paralegal and Attorney Unions and works with the Executive and Finance Committees in developing the corporation's positions in negotiations.

Individual Board Duties

While the Governance Committee continues to review a “job description” for all Board members, all Board members should be prepared to do the following:

Organizational:

- Review the organization’s mission, values and beliefs: Keep them in clear focus, interpreting Pine Tree and its mission to the outside world;
- Set strategic direction: Oversee, update and approve strategic plans. Follow trends in Pine Trees fields of interest;
- Establish policies to ensure that Pine Tree’s is run effectively, legally and ethically;
- Hire (fire), supervise, evaluate and support the Executive Director;
- Secure adequate financial resources for the sustained health of the organization;
- Read and understand the financial statements as a means to monitor financial performance;
- Review Pine Tree’s client services on an on-going basis;

Personal:

- Attend all board meetings as scheduled. If a conflict arises that prevents attendance, advanced notice to the Board President or Pine Tree Administrative Office (email to hmeyer@ptla.org or 774-4753) is expected. Be well informed on issues and agenda items in advance of meetings. (Read materials sent prior to meetings);
- Serve on one or more committees and take advantage of training opportunities to improve board service.
- Participate in organizational decision-making; Work closely and cooperatively with other board members. Listen respectfully to differing points of view. Ask questions if you don’t understand!
- Advance diversity: effectively advocate based on one’s experience and organizational representation while seeking to serve Pine Tree as a whole;
- Avoid even the appearance of a conflict of interest that might embarrass the Board or Pine Tree;
- Contribute personally, to the maximum extent possible, in Pine Tree’s fundraising activities. (Attorneys should do so through the Campaign for Justice.)
- Develop a relationship with your local Pine Tree office. Visit the office. Meet with the staff. Learn of the issues most commonly affecting clients in that area. Learn of the needs of that office
- Meet with the other Board Members from your area. Get to know them and the perspectives they bring to Pine Tree;

- Call or visit several organizations in your area that address the needs of clients also served by Pine Tree. Understand their missions and how Pine Tree's work can complement them (and vice versa);
- Read Pine Tree's Bylaws and other relevant structural documents to understand Pine Tree's Committee structure, the specific tasks assigned to the committee(s) you are a member of, and your role as a committee member;
- Study the budget. Understand the various grant streams funding the different programs within Pine Tree. Note the major sources of revenue, and the major areas of expense;
- Study Pine Tree's Program Priorities. They are the concrete goals of our mission;
- Read and be aware of the various Program Restrictions imposed by the Legal Services Corporation on Pine Tree's activities.

Committee Chairs are expected to handle the following duties:

- (1) Assume responsibility for the substantive work specifically assigned by the Board to the committee.
- (2) Establish annual goals and timelines for the completion of that assignment;
- (3) Set the tone for committee work, ensure that members have the information necessary to perform their jobs, and oversee the logistics of the committee's operation. As the committee's link to the Board, consults with and reports to the Board President as necessary.
- (4) Assign work to committee members, set meeting agendas and runs meetings. Ensure distribution of minutes and reports to members;
- (5) Report to the full board on committee decisions, policy recommendations and other committee business;
- (6) Initiate and lead the committee's annual evaluation process, a process in which committee members review their accomplishments in relation to committee goals and reflect on areas of the committee's work that need improvement

Pine Tree Legal Assistance, Inc.

**Board of Directors
Donated Service Time Log**

Date	Total Hours	Service Provided
		Attend Board meeting

Donor's Signature

Dated

Note to all Board members: Documenting the time you donate to Pine Tree Legal Assistance as a Board member is important. It can help us secure matching grants/funds, and demonstrate a high level of volunteer service, compared with staff costs.

Please use this form to track ALL time spent on board activities, including reading materials, attending meetings, and other Board work.

**Pine Tree Legal Assistance
Board Expense Policy for Low Income Directors**

Pine Tree reimburses low income members of the Board of Directors for reasonable travel and out of pocket expenses required for the fulfillment of membership obligations. The reimbursement form is attached. Members complete it at the meeting and receive a check for the approved amount.

On occasion client Board members attend an out of state meeting or workshop related to the Board duties. Pine Tree may advance necessary travel expenses if requested. Such a request must be made far enough ahead of the travel so that a check can be sent to the member making the request. Expenses will be paid according to the reimbursement policy below.

The following policies govern expense reimbursement:

1. Mileage to and from meetings is reimbursed at the rate of \$0.48½.
2. Meals are reimbursed up to a maximum of \$31.00 per day for 3 meals, with appropriate reductions for fewer than 3 meals.
3. If overnight accommodations are necessary, lodging at reasonable rates will be reimbursed. Receipts are required.
4. Turnpike tolls and parking are reimbursed. Receipts should be provided.
5. Unavoidable child care expenses will be reimbursed at reasonable rates.
6. Other out of pocket expenses will be reimbursed when receipts and brief explanation of the expense are provided.
7. Lost wages will be replaced up to \$40 per day.

Pine Tree Legal Assistance, Inc.
88 Federal Street
P.O. Box 547
Portland, Maine 04112
Client Board Reimbursement Form

Mileage

Date	To	From	Total Miles

Total miles _____ X .555 \$ _____

Lost Wages

Date	Hours Lost	Amount

Other expenses

Date	Description of Expense	Amount

Total Travel Expense \$ _____

Total Lost Wages \$ _____

Total other expense \$ _____

Total Amount Due \$ _____

I certify that the above is a true statement of costs incurred in the course of travel on behalf of Pine Tree Legal for which I am entitled reimbursement:

Signature: _____

Address: _____

Office use only

checked by _____

check # _____

date _____

amount _____

account _____

OK to pay _____

**Pine Tree Legal Assistance
Proposed 2012-2013 Board of Directors**

PRESIDENT

William C. Knowles, Esq. (A-14)
Verrill & Dana
PO Box 586
Portland, ME 04112
774-4000 (w)
774-7499 (f)
wknowles@verrilldana.com

SECRETARY

Russell Anderson (C-14)
Community Housing Improvement Project,
Inc. (CHiP, Inc.)
1301 Manktown Road
Waldoboro, ME 04572
832-4754 (h)
rwanderson@myfairpoint.net

VICE-PRESIDENT

Hope Hilton, Esq. (A-13)
164 Basin Point Rd.
Harpwell, ME 04079
833-6196 (w)
hope.hilton@gmail.com

TREASURER

Elinor Miller (L-14)
45 Belmont Street
Portland ME 04101
772-8427 (h)
cmiller3@maine.rr.com

Wanda Braithwaite-Baril (C-14)
Community Mediation Services
962 Main Street #19
Monmouth, ME 04259
933-1000 (h)
344-4535 (c)
rcamgarden@aol.com

Travis Brennan, Esq. (A-14)
Bernstein Shur Sawyer & Nelson
PO Box 9729
Portland, ME 04104-5029
774-1200 (w)
tbrennan@bernsteinshur.com

William Black, Esq. (A-13)
Public Advocate
112 State House Station
Augusta, ME 04333
287-2445 (w)
William.C.Black@maine.gov

C. Don Briggs, III, Esq. (A-13)
Briggs & Counsel
815 Commercial Street
Rockport, ME 04856-4243
596-1099 (w)
dbriggs@dbriggslaw.com

Mary-Kathryn Brennan, Esq. (A-13)
Law Offices of Smilie G. Rogers
279 York Street, No. 2
York, Maine 03909
752-1752 (w)
mkb@smiliegrogers.com

Matthew Clark, Esq. (A-13)
Weeks & Hutchins
P.O. Box 417,
Waterville, ME 04903-0417
872-2783
mec@lawweeks.com

**Pine Tree Legal Assistance
Proposed 2012-2013 Board of Directors**

Jami Collins (C-13)
The Opportunity Alliance
P.O. Box 148
Standish, ME 04084
329-6402 (c)
jami.collins@opportunityalliance.org

James Devine (C-14)
Homeless Voices for Justice
696 Congress Street Apt 1
Portland ME 04102
219-3980 (c)
jameswdevine@yahoo.com

Kenneth Farber, Esq. (A-14)
Central Maine Power
83 Edison Drive
Augusta, ME 04336
838-3932 (c)
621-3906 (w)
Kenneth.farber@cmpco.com

Steve Huston (C-14)
Homeless Voices for Justice
48 Wilmot Street #5-1
Portland, ME 04101
245-7337 (c)
stevehuston@gmail.com

Marcus Jaynes, Esq. (A-14)
Landis Arn & Jaynes, PA
222 St. John Street, Suite 321
Portland, ME 04102
775-6371 (w)
mbj@landisarn.com

Toni Kemmerle, Esq. (A-14)
Maine Dept. of Transportation
16 State House Station
Augusta, ME 04333-0016
624-3024 (w)
725-0741 (h)
metroac19@comcast.net

Richard Ladd, Sr. (C-14)
Penquis CAP
118 Ladd Road
Barnard Twp, ME 04414
965-0044 (h)
rwlsr50@gmail.com

Heiderose Lester (C-13)
Hayward Center for Community Partnerships
72 Ryerson Hill Road
South Paris, ME 04281
460-1228
heidelester@gmail.com

Robert S. Lingley (A-14)
27 Linden Street
Bangor ME 04401
947-7374 (h)
rlingley@zwi.net

Honore Ndoli (A-14)
United Way of Greater Portland
51 Walker Street
Westbrook ME 04092
409-5412
Nhonore283@gmail.com

Lawrence Reichard (C-14)
HOME
32 Hayward St.
Bangor, ME 04401
907-2086 (h)
478-7763 (c)
lreichard@gmail.com

Jonathan Reitman, Esq. (A-13)
47 Ocean Drive
Brunswick, ME 04011
729-1900 (w)
jreitman@goslinereitman.com

D. Blaine Riggle, Esq. (A-13)
Unum
2211 Congress St., C475
Portland, Maine 04122
575-3296 (w)
briggles@unum.com

**Pine Tree Legal Assistance
Proposed 2012-2013 Board of Directors**

Clifford H. Ruprecht, Esq. (A-14)
Pierce Atwood, LLP
One Monument Square
Portland, ME 04101
791-1186
cruprecht@pierceatwood.com

Stacy Stitham, Esq. (A-14)
Brann & Isaacson
184 Main Street
Lewiston, ME 04240-7070
786-3566
SSitham@brannlaw.com (w)

Andrea Bopp Stark, Esq. (A-13)
Law Offices of James Molleur, LLC
419 Alfred Street
Biddeford, ME 04005
283-3777
andrea@molleurlaw.com

Board Members Emeritus

Sheldon Tepler, Esq.

Robert Nelson

**PINE TREE LEGAL ASSISTANCE
DRAFT OF BOARD COMMITTEE ASSIGNMENTS 2012-2013**

Executive Committee

William Knowles, Esq. (Chair)
Robert Lingley, Esq. (immediate past president)
Russell Anderson
Jami Collins
Hope Hilton, Esq.
Elinor Miller

Finance Committee

Elinor Miller. (Chair)
Blaine Riggle, Esq.
Mathew Clark, Esq.
Lawrence Reichard

Program Committee

Marcus Jaynes, Esq. (Chair)
Stacy Stitham, Esq.
Richard Ladd., Sr.
Ken Farber, Esq.
Honore Ndoli
Steve Huston

Board Governance Committee

Robert Lingley, Esq. Chair
Cliff Ruprecht, Esq.
Toni Kemmerle, Esq.
Stacy Stitham, Esq.
Travis Brennan, Esq.
Wandra Braithwaite-Baril
James Devine

Board Fundraising/Committee

William Knowles, Esq. Chair
Bill Black, Esq.
Blaine Riggle, Esq.
Elinor Miller
Heiderose Lester
Mary-Kathryn Brennan, Esq.

Grievance Committee (as needed)

Don Briggs, Esq. (Chair)
Jami Collins
Russell Anderson

Negotiating Committee (as needed)

Jonathan Reitman, Esq. (Chair)
Elinor Miller
Andrea Bopp Stark, Esq.

Board Representatives on Other Legal Aid Committees

VLP – Cliff Ruprecht, Esq.
Justice Action Group – Bill Knowles, Esq.
Campaign for Justice – Bill Knowles, Esq.
Muskie Dinner Committee – Bill Black, Esq.

PINE TREE LEGAL ASSISTANCE, INC
Staff List as of September 10, 2012

OFFICE	PHONE	EXT	STAFF/ROOM	POSITION
Central 88 Federal St PO Box 547 Portland, ME 04112	Tel: 774-4753	1213	Nan Heald	Executive Director
	Fax: 828-2300	1205	Thomas Kelley	Director, Training & Litigation
		1212	Helen Meyer	Development Associate
		1222	Chuck Henegar	Information Technology
		1210	Susan Oliver	Fiscal Manager
		1211	Sandra Soucie	Bookkeeper
		1225	Laura Henderson	Systems Analyst
Maine Volunteer Lawyers Project 88 Federal St PO Box 547 Portland, ME 04112	Clients Tel:	1270	Juliet Holmes-Smith	Project Director
	774-4348	1275	Rachelle Parise	Attorney (40% time)
	1-800-442-4293	1223	Lin Martin-Hunt	Volunteer Coordinator
	Private Tel:	1224	Georgia Houle	Advocate
	774-4518	1221	Janice Farwell	Advocate
	Fax: 828-2300	1265	Mary Murphy	Advocate (60% time)
	Unemployment Appeals Line: (207) 400-3245	3219	Jim Mitchell	VLP Staff Attorney in Bangor
Portland Office 88 Federal St PO Box 547 Portland, ME 04112	Client Tel:	1203	Frank D'Alessandro	Regional Directing Attorney
	774-8211	1238	Chet Randall	Foreclosure Attorney
	Private Tel:	1216	Katie McGovern	Attorney (80%)
	774-4946	1230	Molly Curren Rowles	Attorney
	Fax: 828-2300	1214	Lucia Chomeau Hunt	UW Attorney
		1215	Aurora Smaldone	Coffin Fellow
		1268	Caroline Jova	Coffin Fellow
		1234	Jill Hunter	HUD Testing Coordinator
		1272	Anne Carney, Emp. Law	Direct Line/VM: 400-3279
		1204	Sharleen Garvey	DV Advocate
		1237	John Frederick	Advocate
		1206	Anie Brown Kline	Part-time Advocate (50%)
		1274	Amy Lewis	Advocate
		1232	Rob Liscord	AmeriCorps VISTA
		1244	Intern Office	Victoria Hynes (KIDS Intern)
		1271	Intern Office	
		1266	Intern Office	Alison Ouellet
		1207	Library/ VideoConf	
		1217	Upstairs Conf. Room	
		1236	Intern Office	
		1267	Intern Office	Christopher Hunter
KIDS LEGAL 88 Federal St PO Box 547 Portland, ME 04112	Client Tel:	1202	Sara DePasquale	KIDS Legal Directing Attorney
	774-8246	1219	Rachel Violette	KIDS Attorney
	1-866-624-7787	1269	Courtney Beer	STOP Attorney
		1233	Lucy Rhodes	KIDS Advocate

PINE TREE LEGAL ASSISTANCE, INC
Staff List as of September 10, 2012

OFFICE	PHONE	EXT	STAFF	POSITION
York County Shelter Mail to: P.O. Box 547 Portland, ME 04112	Tel: 206-1100 Fax: 206-1100	1230	Molly Curren Rowles	Attorney(Portland Voicemail)
Lewiston 37 Park St. Suite 401 P.O. Box 398 Lewiston, ME 04243	Tel: 784-1558 Fax: 783-8774	6201	Matthew Dyer	Attorney
		6204	Maureen Boston	Attorney (80%)
		6212	Emily Wood	Advocate
		6203	Workstation	
		6207	Copy Room	
		6208	Spare Office	
		6206	Workstation	
Augusta 39 Green St P.O. Box 2429 Augusta, ME 04338	Clients Tel: 622-4731 Private Tel: 622-7896 Fax: 623-7774	2203	Patricia Ender	Fair Housing Attorney
		2207	Nancy Schiff-Slater	Attorney
		2200	Anne Hazelton	Advocate
		2208	Necia Chaparin	Foreclosure Advocate
		2202	Sean Norton	ABA Tax Fellow
		2204	Spare Office	Tom Kelley
		2210	Eliza Donaghue	Intern
Bangor 115 Main St., 2nd Fl Bangor, ME 04401	Basic Client Tel: 942-8241 NA/FWU Client: 1-800-879-7463 VLP Bangor: 942-9348 Private Tel: 942-0972 942-8322 Fax: 942-8323	3201	Judson Esty-Kendall	Regional Directing Attorney
		3207	Eric Nelson	FWU/NAU Directing Attorney
		3202	Kathleen Caldwell	Website Director (80% time)
		3203	Michael Guare	NAU/FWU Attorney
		3211	Erica Veazey	Attorney
		3219	Jim Mitchell	VLP Staff Attorney
		3214	Helen Hall	LITC Attorney
		3220	Christina Starr	FWU/NAU Advocate (thru Nov. 1)
		3209	Paula Fontes	Advocate
		3200	Carolyn Gontoski	Advocate
		3208	Peter MacArthur	AmeriCorps VISTA
		3210	Kalee Folster	Vol. Attorney
		3221	Intern Office	
		3205	Intern Office	
		3217	Intern Office	
		3204	Intern Office	
		3213	Intern Office	
		3206	Spare Office	
		3236	Library Speakerphone	
Machias 13 Cooper Street P.O. Box 278 Machias, ME 04654 Private Tel: 255-3690	Client Tel: 255-8656 1-877-213-5630 Fax: 255-8657	5204	Paul Thibeault	Attorney/NAU Attorney
		5205	Charles Rudelitch	Attorney
		5200	Deborah Beal	Advocate
		5201	Conference Room	
		5203	Intern Workstation	
		5202	Spare Office	
		5206	File	

PINE TREE LEGAL ASSISTANCE, INC
Staff List as of September 10, 2012

OFFICE	PHONE	EXT	STAFF	POSITION
Presque Isle	Client Tel:	202	Jeff Ashby	Managing Attorney
373 Main St.	764-4349	203	Eugene McLaughlin	Attorney
Presque Isle, ME 04769	Private Tel:	200	Bonnie Steeves	Advocate
Fax: 764-2455	764-2450	205	Spare Office	

GENERAL RESPONSIBILITIES OF LEGAL AID BOARDS

For the Pine Tree Legal Assistance Board of Directors, the following standards /requirements are very important:

1. Legal Services Corporation criteria/requirements

As a recipient of LSC funding, Pine Tree Legal Assistance and its board is subject to specific federal regulations that govern a range of program activities, including the Board composition and the types of policies that the Board must address or oversee. As members of the Board, the following websites provide important information in that regard:

- 45 CFR Part 1600: the federal regulations governing LSC recipients: available online at <http://www.lsc.gov/about/regulations-rules/lsc-regulations-cfr-45-part-1600-et-seq>
- The LSC Accounting Guide, which describes the financial responsibilities required of LSC recipients and Boards. This is available online at http://grants.lsc.gov/sites/default/files/Grants/accounting_guide_for_lsc_recipients_2010_edition.pdf
- The LSC Performance Criteria, including Section 4 which reviews the standards for high functioning Boards:
<http://grants.lsc.gov/rin/grantee-guidance/lsc-performance-criteria>
- A summary of other LSC requirements and grant guidance documents are available at <http://grants.lsc.gov/rin/grantee-guidance>

2. The American Bar Association Standards related to Civil Legal Aid and Pro Bono Providers

These voluntary standards apply to both civil legal aid work and Board responsibilities:

- For civil legal aid:
http://www.legalaidnc.org/public/participate/legal_services_community/ABA_StandardsfortheProvisionofCivilLegalAid_Aug_2006.pdf
- For pro bono legal services:
http://www.americanbar.org/groups/probono_public_service/policy/standards.htm

ABA Standards related to Civil Legal Aid Governance

Section One of the ABA Standards address the overall roles and responsibilities of legal aid boards of directors.

Standard 1.1 On Overall Functions and Responsibilities of the Governing Body

A provider should have a governing body that establishes its mission, sets and oversees implementation of broad general policies to guide the provider and actively participates in planning for its future.



Standard 1.1-1 On Governing Body oversight of the provider

The governing body should regularly review the provider's operations to assure effective operation as well as compliance with its policies and with pertinent legal requirements.

Standard 1.1-2 On Prohibition against interference in the representation of clients

The governing body and its individual members must not interfere directly or indirectly in the representation of any client by a practitioner.

Standard 1.1-3 On Fiscal Matters

The governing body should assure the financial integrity and viability of the provider.

Standard 1.1-4 On Relations with the Chief Executive

The governing body has the responsibility to hire the provider's chief executive and should hold the chief executive accountable for the provider's operations.

Standard 1.1-5 On Serving as a Resource to the Provider

The governing body should serve as a resource for a provider, assist in community relations and, when appropriate, engage in forceful advocacy on behalf of the provider.

Standard 1.1-6 On resource development

The governing body should assure that the provider engages in resource development and should directly assist in those efforts.

Standard 1.2 On governing body members' responsiveness to the communities served

A provider should have a governing board whose membership and manner of operating are responsive to the low-income communities served.

Standard 1.2-1 On Individual Members' commitment to the provider

All members of the governing body should be committed to the mission of the provider and devote adequate time to meet board responsibilities.

Standard 1.2-2 On Board Members from the communities served by the provider

The governing body should include members who are or have been eligible to receive legal assistance from the provider.

ABA Standards related to Civil Legal Aid Governance

Standard 1.2-3 On Training of Members of the Governing Body

The provider should assure that all members receive orientation and training necessary for full and effective participation on the governing body.

Standard 1.2-4 On Governing Body Members' Conflicts of Interest

Governing body members must not knowingly attempt to influence any decisions in which they have a conflict with the provider or its clients.

Standard 1.3 On governing body Communication with low income and legal communities

The governing body should operate in a manner that invites communication with the low income and legal communities.

LSC Requirements for Boards

45 CFR § 1605.3 Policies and procedures for appeals

- Board must adopt policies and procedures that program will follow for review of appeals to appellate courts taken from a decision of any court or tribunal. The policy shall (1) discourage frivolous appeals; (2) reflect consideration of program priorities and (3) avoid interference with the professional responsibilities of attorneys to their clients.

[The policies and procedures should be developed by the program and submitted to the board for its approval.].

45 CFR Section 1607.4 Functions of a Governing Body

- Board is to have at least four meetings a year and shall establish and enforce broad policies governing the recipient. Bylaws are to be adopted and sent to LSC.

45 CFR § 1610 Use of Non-LSC Funds, Transfers of LSC Funds, Program Integrity

- Board must certify annually that the program is in compliance with the restrictions on the use and transfer of LSC funds, the use of non-LSC funds, and program integrity set forth in 45 CFR § 1610.

45 CFR § 1611.3 Financial Eligibility Policies

- Board must adopt financial eligibility policies that are consistent with LSC regulations. The board must review those policies at least every three years and make adjustments as necessary.

45 CFR § 1614.2 (c) Decisions concerning the implementation of PAI

- Private bar activities shall be within the established priorities of the program such that they further the requirement of high-quality and effective client-centered legal assistance to eligible clients. Decisions concerning this requirement rest with the board, subject to review by LSC.

Background information on Pine Tree Legal Assistance:

When Pine Tree first opened its doors in 1967, the world in which many of its clients lived was very harsh. Maine still had a debtor's prison; individuals harmed by government action had no right to be heard. Individuals in small towns often were denied services simply because of local feeling against their families. Qualified women who were denied a job solely because of their gender had no recourse. Many children with disabilities were kept at home or in state institutions and received no public schooling.

Over the past 45 years, **Pine Tree advocates have helped to change this world.** The abolition of debtors' prison, the right to due process and a fair hearing, the first successful employment discrimination lawsuits, improved housing codes and accessibility for people with disabilities and an end to "robo signing" of foreclosure documents are all legacies of Pine Tree's commitment to individual clients who sought our help, one person at a time.

Since 1967, Pine Tree has helped over half a million low-income Mainers with their most urgent legal problems. Many of our clients are the working poor: people who work 40 hours a week in minimum wage jobs and support a spouse and children. Others are single parents trying to provide a stable family life for their children. Some are adults with significant disabilities who are struggling to live independently.

While federal funding cutbacks have dramatically reduced staffing in recent years, Pine Tree has been able to identify new funding sources and has moved aggressively to find efficient ways to deliver legal services and legal information to Maine people. Pine Tree was the second legal services program in the United States to have a **web site** (at www.ptla.org) and the first to offer legal information to the public on its site: today, the program operates five popular sites (including a national site for military and veteran households with legal needs) and their **content is viewed almost 6,000 times each day.**

Pine Tree maintains offices in Portland, Lewiston, Augusta, Bangor, Machias and Presque Isle. Special units offer services to migrant farmworkers, Native Americans, and low-income children. Pine Tree also staffs the Volunteer Lawyers Project, a *pro bono* project that utilizes the volunteer services of private attorneys in handling cases for low-income Mainers that would otherwise be unaddressed because of staffing limitations at Pine Tree. **Pine Tree helps people resolve serious legal problems that threaten the family's livelihood, well being or safety.** By providing effective counsel and advice in civil matters, we insure that low-income people have access to our system of justice and to the help they need to become or remain self-sufficient.

In the vast majority of cases, Pine Tree does not resort to litigation. Most problems are resolved through simple advice, a quick explanation of the law, referral to another resource or negotiations. However, **when Pine Tree does go to court, we win nine cases out of ten.**

Funder evaluations have consistently found that program services are "excellent." Pine Tree has received the "Better Business Bureau Charity Seal" and is the only legal aid provider in Maine to have met their stringent standards for charitable donations. Less than 14% of the total program budget goes toward administrative expenses and fundraising: the remainder is spent on direct client services.

For more information, contact Executive Director Nan Heald, Pine Tree Legal Assistance, PO Box 547, Portland, ME 04112; telephone 774-4753 or email nheald@ptla.org. All contributions to Pine Tree Legal Assistance are tax-deductible to the extent allowed by law.

PINE TREE LEGAL ASSISTANCE, INC. INFORMATION FOR CLIENTS

What is Pine Tree Legal Assistance? Pine Tree Legal Assistance is a non-profit organization that provides help with civil legal problems to people who are unable to afford an attorney or have certain types of urgent legal problems. Pine Tree receives a good deal of its funding from the federal government but also gets funding from various state and charitable sources. There are federal and state laws that apply to our work. Pine Tree's services are open to people of all races, color, and religion. We help people who come from any country, of any age, of either sex, without regard to disabilities, appearance, or any other differences

Who is eligible for our services? In most cases we can only help people whose income is below a certain level. For some cases your income level does not matter. If you have been abused and need a protection order, for example, we can assist you no matter what your income is. We can help U.S. citizens and certain groups of non-citizens. While we are working with you, we may ask you to give us an update on your income. If things change so that you could pay for a lawyer, we may ask you to find your own lawyer.

Costs. Pine Tree does not charge for its services except for costs we must pay – like court filing fees, fees for medical reports, sheriff's service costs, etc. You may have to pay these costs, but we may be able to ask the Court to pay some of these fees or find other ways to keep fees to a minimum. If you give us any money for fees or for other reasons, we will put them in a client trust fund until they are used. We will return any unused funds when your case is closed.

Our Staff. If you have a court case, a lawyer will work with you. But in many other cases our support staff –paralegals, legal assistants, law students, and volunteers – will be helping you with your case. Our support staff is trained to help with many problems and works closely with Pine Tree's lawyers. You will be told who is working on your case. If you have any questions, start with that person.

Keeping in touch. If you have any questions about what Pine Tree has agreed to do for you, please ask. If your case takes a long time, you should hear from our staff from time to time about how the case is going. If anything happens to you that would affect your case, be sure to call us. If your income changes or if you move or have a new phone number, you must let us know at once.

If you have a complaint. If you are not satisfied with how your case is being handled, or if Pine Tree did not take your case and you feel this was unfair, you can appeal. First, talk things over with the person who has your case. If you are not satisfied, ask for a copy of the grievance procedure.

Overview

This document was substantially updated in 2010. Since that time, Pine Tree's capacity to provide responsive legal services has been significantly reduced as a result of funding reductions and staffing losses. However, Pine Tree remains the largest general service provider of free legal services in Maine and continues to function as both a "first resort" and "last resort" provider for many low-income households. For that reason, the Pine Tree Board of Directors intends this Statement to provide broad authorization to recognize those legal needs and to provide appropriate responses whenever feasible.

The seven program goals that are reflected in this document are not necessarily listed in order of importance. They are listed according to longstanding practice in how this document is organized:

- Preservation of housing and related needs;
- Promoting the safety, stability and well-being of low-income Mainers
- Enforce workplace opportunities, legal protections and income for low-wage workers;
- Maintaining, enhancing and protecting income and economic security for low-income Mainers;
- Improving outcomes for Maine children;
- Meeting the legal needs of populations with special vulnerabilities;
- Improving the delivery of legal services and access to justice for low-income Mainers statewide;

The level of service to be provided in response to a specific request will depend on local office capacity at the time it is received. The Board may also develop and approve an annual work plan to provide additional direction on specific case priorities that should receive attention.

I. PRESERVATION OF HOUSING AND RELATED NEEDS

A. Objective: To preserve subsidized and other affordable family housing situations.

Cases: As staff and funding resources permit, represent families or individuals with the following types of serious housing problems: families and individuals with disabilities facing eviction from publicly subsidized units; families and individuals with disabilities facing private eviction where the client will be left homeless if the eviction is successful; individuals who face the loss of their housing subsidy as a result of eviction; individuals or families facing eviction who are residents of mobile home parks; individuals facing eviction who have long term leases or other significant interests in maintaining their housing; individuals facing eviction because their landlord has been foreclosed upon, individuals facing summary eviction from motels, boarding house, and similar establishments, and individuals or families facing eviction under exceptional circumstances that would make moving a special hardship for that individual or family.

Matters: Provide information, assistance and referral where appropriate to low-income individuals with questions about subsidized and other affordable family housing and, where appropriate, individuals referred pursuant to the HUD housing counseling program. Refer individuals in long-term motel, boarding house, or other similar establishments to the Maine Revenue Service regarding rebate of motel sales taxes.

B. Objective: To protect home ownership by low-income Maine individuals.

Cases: As staff and funding resources permit, represent individuals and families who are confronted by legal challenges to initial or continued homeownership, including families denied access to or facing foreclosure from mortgage loans, individuals or families who have been denied poverty tax abatements and individuals or families who become subject to improper actions by their municipality which threaten continued residence in their family home. As *pro bono* resources permit, refer individuals with real estate disputes and individuals with foreclosure problems to *pro bono* attorneys through the VLP.

Matters: Provide information, assistance and referral where appropriate to low-income individuals and families who are confronted by legal challenges to initial or continued homeownership. Update and maintain self-help materials for low-income homeowners at risk of foreclosure, including website information and interactive forms. Participate in information sessions and other initiatives sponsored by the courts and others which will assist *pro se* litigants in foreclosure proceedings. Promote training activities that will assist HUD housing counseling agencies, *pro bono* attorneys and others to increase their capacity to handle foreclosure defense. Provide comments in response to public rulemaking involving foreclosure or mortgage lending issues. As requested, participate in projects or respond to inquiries from State agencies, legislators or others seeking Pine Tree's special expertise in foreclosure or mortgage lending issues.

C. Objective: To reduce homelessness in Maine among teens, adults, and families

Cases: As staff and funding resources permit, represent individuals and families who are at risk of homelessness where legal representation can prevent that outcome, including through courthouse "FED" projects, and provide representation to those who have already become homeless in order to stabilize their living situation.

Matters: Provide information, assistance and referral where appropriate to low-income individuals and families who either are at risk of homelessness or have already become homeless. As staff and funding resources permit, partner with the York County Shelter and other local homeless shelters to improve access to legal services that can enable residents to secure stable permanent housing.

D. Objective: To reduce and expose illegal discrimination in housing in Maine

Cases: As staff and funding resources permit, represent individuals and families subjected to discrimination on the basis of familial status, receipt of public benefits, race or color, sex, physical or mental disability, religion, ancestry, national origin, and/or sexual orientation. Represent individuals with physical or mental disabilities who require a reasonable accommodation in order to utilize services or facilities in the same manner as non-disabled persons or who are being evicted for conduct related to their disability.

Matters: Where special funds allow, utilize a testing program to determine the extent of illegal housing discrimination, to identify particular landlords who discriminate, and to expose the extent of illegal housing discrimination in Maine.

E. Objective: To enforce Maine law regarding housing on behalf of low-income individuals.

Cases: As staff and funding resources permit, represent individuals or families who are confronted with violations of Maine law regarding housing: individuals and families facing illegal eviction, including wrongful utility shutoffs; warranty of habitability cases (including common metering, lead and asbestos abatement); cases regarding repairs, rent abatements and/or terminating the tenancy to pursue suitable housing.

Matters: Provide information, assistance and referral where appropriate to low-income individuals with housing questions. Update "The Rights of Tenants in Maine", the Foreclosure Prevention Toolkit, and other housing legal education materials as appropriate.

F. Objective: To insure that low-income Maine families do not face illegal or unnecessary utility terminations and benefit fully from federal and state laws regarding fuel assistance programs.

Cases: As staff and funding resources permit, represent individuals or families who are confronted with utility terminations or who have been denied fuel assistance benefits.

Matters: Provide information, assistance and referral where appropriate to Maine families or individuals facing utility disconnection or needing fuel assistance. Distribute existing client education materials on these topics to appropriate clients and develop new client education materials as needed.

G. Objective: To utilize Pine Tree's special expertise in low income housing on broader issues, where appropriate:

Matters: As requested, respond to inquiries from state agencies, the Legislature or other groups on low-income housing and homelessness issues. As appropriate, participate in projects that address the legal aspects of housing for low-income individuals, as well as those that address homelessness.

II. PROMOTING THE SAFETY, STABILITY AND WELL-BEING OF LOW-INCOME MAINERS

A. Objective: To assist victims of domestic violence, sexual assault, dating violence or stalking and their children in obtaining protection from abuse and stabilizing their lives

Cases: As staff resources permit or where special grants support this work, represent victims and their children in protection from abuse cases on referral from local shelters or, in appropriate cases, self-referral. Where appropriate, final orders should address custody determinations, preservation of housing and other issues important to economic stability. Utilize the VLP *Pro Bono* Domestic Violence Panels as a resource wherever they are available.

Matters: Provide information, assistance and referral to low income individuals with questions regarding protection from abuse. Provide information, assistance and referral to victims in related legal matters that will help provide stability and financial security for the family, such as housing, employment and public benefit matters. As requested and as staff resources permit, participate in statewide and local task forces or similar projects and other forums where the needs of victims should be addressed, including trainings. Participate in the MSBA Family Law Section. Respond to inquiries from shelters, the Courts, state agencies and legislators regarding legal issues facing victims of domestic violence. Where appropriate, develop client education and website materials on protection from abuse and other topics important to victims.

B. Objective: Assist low-income individuals to make informed decisions regarding divorce and other family law proceedings, including parental rights and responsibilities.

Cases: Where staff resources permit or where special grants support this work, represent victims of domestic violence, sexual abuse, dating violence or stalking, individuals with disabilities, individuals with limited English proficiency and other individuals in special need of legal representation in divorce and parental rights and responsibilities matters

Matters: Provide information, assistance and referral to individuals with legal questions regarding family law. Update and maintain self-help materials for family law litigants, including website information and interactive forms. Participate in projects sponsored by the courts and others which will assist *pro se* litigants in these proceedings. Coordinate and maintain courthouse assistance projects, especially through VLP to minimize the risk of client conflicts, to assist *pro se* litigants.

C. Objective: Assist low-income parents who have been wrongfully substantiated for abuse and/or neglect of children by DHHS

Cases: As staff and funding resources permit, represent low-income parents in DHHS substantiation appeals where the substantiation is based upon the parent's status as a victim of domestic violence or sexual assault, the presence of a disability or where the substantiation will impact the parent's employment.

Matters: Provide information, assistance and referral to low-income parents with legal questions regarding DHHS substantiations and indications of abuse/neglect of children. Update client education materials as needed including website information.

III. ENFORCE WORKPLACE OPPORTUNITIES, LEGAL PROTECTIONS AND INCOME FOR LOW-WAGE WORKERS

NOTE: This priority area reflects ongoing work by Pine Tree's migrant farm worker unit and employment law project, as well as the low-income taxpayer clinic which primarily serves low-wage workers. All of these projects will be reorganized under a single statewide Employment Law Unit going forward.

A. Objective: To enhance opportunities for low-income individuals to find stable employment through education, training, and job placement programs.

Cases: As staff and funding resources permit, represent individuals denied benefits or opportunities through publicly-funded education, training and job placement programs and represent individuals whose employment licenses have been improperly annotated or revoked.

Matters: Provide information, assistance and referral where appropriate to individuals with questions about education, training and job placement programs. As appropriate, update or create client education materials related to this area of law.

B. Objective: To enforce legal rights of individual employees who are confronted with legal problems related to their jobs

Cases: As staff and funding resources permit, provide limited representation for individual employees on wage and hour claims, due process rights, employment discrimination, at will employment issues, severance agreements, non-competition covenants, leave rights, accommodation requests, and whistleblower retaliation. Refer fee-generating cases to members of the private bar. Refer cases that raise important public policy protections to members of the private bar who are committed to litigation cases that could increase common law protections for employees, particularly in relationship to Maine's "employment at will" doctrine.

Matters: Provide information, assistance and referral to individuals confronted with legal problems related to their jobs, including Maine's "employment at will" doctrine and other

important legal principles. Develop legal education and self-help materials on job rights and job protections, such as the unpaid wage demand form.

C. Objective: To enforce legal rights of individual taxpayers related to federal tax obligations and programs.

Cases: Consistent with a special grant from the IRS, represent or provide *pro bono* referrals through the VLP to individuals involved in tax controversies with the Internal Revenue Service, particularly on behalf of workers eligible for the earned income credit and individuals with limited English proficiency.

Matters: provide information, assistance and referral to low-income individuals and individuals who speak English as a second language regarding federal tax rights and responsibilities. As appropriate, conduct low-income taxpayer clinics for individuals who speak English as a second language or who face equivalent literacy barriers. Provide self-help materials and other resources on the Internet and in hard copy.

D. Objective: To enforce laws protecting the rights of migrant workers.

Cases: As staff and funding resources permit, represent migrant workers facing legal problems associated with their status as migrant workers, including but not limited to problems with employment, recruitment, compensation, housing, discrimination, education, Social Security benefits, workers compensation benefits and other public benefits, and immigration issues where permissible. Co-counsel with, and refer cases to, the private bar where appropriate.

Matters: Provide information, assistance and referral to migrant workers facing legal problems associated with their status as migrant workers. As requested, respond to inquiries from state agencies, the Legislature or other groups on migrant worker issues. As appropriate, participate in projects which address the legal needs of migrant workers. Provide outreach to labor camps and migrant workers sites around the State and New England associated with the various harvest activities. Produce the Harvest Calendar or comparable outreach resources annually and other appropriate client education materials.

E. Objective: Increase low-income Mainers unemployment benefit reciprocity rate

Cases: As staff and funding resources permit, represent workers denied unemployment compensation in their initial application on appeal, primarily through referral by the VLP to *pro bono* counsel. (Staff resources may be available in a limited number of cases where *pro bono* counsel is unavailable.) Provide limited representation to assist workers prepare for the initial contested hearing or to communicate with the Department of Labor in unusual situations.

Matters: Provide information, assistance and referral to unemployed workers eligible for unemployment benefits

F. Objective: Protect the right of injured workers to receive compensation as required under Maine law

Cases: As staff and funding resources permit, represent injured workers denied workers compensation or employer-based disability insurance benefits or refer to *pro bono* resources through the VLP.

Matters: Provide information, assistance and referral to injured workers eligible for workers compensation benefits

IV. MAINTAINING, ENHANCING AND PROTECTING INCOME AND ECONOMIC SECURITY FOR LOW-INCOME MAINERS.

A. Objective: To protect subsistence income through public assistance programs.

Cases: As staff and funding resources permit, represent individuals appealing denial, reduction or termination of income and non-cash assistance programs. Pursuant to a special state contract, represent individuals who are recipients of general assistance or TANF in obtaining disability benefits. Refer individuals with disability claims who are ineligible for the Pine Tree contract to *pro bono* attorneys through the VLP.

Matters: Provide information, assistance and referral where appropriate to individuals with questions about income and non-cash assistance programs. Update and maintain or create other appropriate legal education materials. Provide comments in response to public rulemaking requests involving public assistance programs. Respond to inquiries involving public assistance programs that seek Pine Tree's special expertise in these programs on behalf of State agencies, local communities or the Legislature.

B. Objective: To insure the accurate administration of Maine's child support payment system.

Cases: As staff and funding resources permit, represent clients in cases involving clear and serious errors in the administration of the Maine Department of Health and Human Services' child support payment program.

Matters: Provide information, assistance and referral to individuals regarding child support collection by the State.

C. Objective: To protect individual family assets and income essential to maintain stability.

Cases: As staff and funding resources permit, represent individuals with serious consumer problems, including onerous installment purchases, financial scams or price

gouging. As staff resources permit, represent individuals who have a meritorious defense to an alleged overpayment of a public benefit where collection of the overpayment will diminish the household income if unaddressed. Refer individuals needing bankruptcy protection to the VLP for *pro bono* assistance.

Matters: Provide information, assistance and referral to individuals regarding consumer problems and legal remedies. As appropriate, update "Debt Collection in Maine" and other related client education materials.

D. Objective: To enforce federal and state laws regarding debt collection to Maine consumers and to enable individuals to avoid predatory lending schemes.

Cases: As staff and funding resources permit or special funding authorizes, represent individuals who have been subjected to predatory consumer lending practices or illegal debt collection practices, particularly where necessary to protect exempt income under state law. As staff resources permit, provide limited or full representation to individuals where debt collection threatens household stability or future employability.

Matters: Provide information, assistance and referral to individuals regarding debt collection. As staff resources permit, provide information, assistance and referral to individuals regarding predatory lending where no other legal service is available.

V. IMPROVING OUTCOMES FOR MAINE CHILDREN

A. Objective: To give all children access to appropriate educational programs

Cases: As staff and funding resources permit, provide limited or full representation in the following matters: Represent children with special education and/or 504 claims in those cases where students are removed from or not regularly attending school, have severe mental health issues that are not recognized by the school, or are chronically failing. Represent students for whom residency is a barrier in enrollment in local schools, especially homeless and/or unaccompanied students. Represent children in disciplinary proceedings where they are at risk of being expelled or suspended for more than 10 days from school and assist with readmission for those students who have been removed from school. Represent students in safety planning at school where the students have been victims of violence, including dating violence and sexual assault, and bullying based upon protected classes under the Maine Human Rights Act. Refer individuals who cannot access free legal services to the VLP for possible *pro bono* representation.

Matters: Provide information, assistance and referral to individuals whose children do not have access to appropriate educational programs. Update or create client education materials involving educational issues for inclusion on the Pine Tree and KIDS websites. As staff resources permit or where supported by funding, provide trainings and

professional consultations and participate on task forces and other collaborations as invited by State agencies, the Courts and the Legislature.

B. Objective: To Provide for Family Stability and the Safety of Children who are not Accompanied by Their Parents.

Cases: As staff and funding resources permit, educate and represent children and adults on Maine laws regarding the rights of runaways, emancipation, and guardianship of minors. Represent in protection from abuse actions that are brought solely on behalf of the child.

Matters: Provide information, assistance and referral to youth 14 – 17 years old in guardianship matters and represent petitioners for children under 14 years old as staff resources permit and as issue conflicts do not arise with the family law unit of Pine Tree Legal Assistance. Provide information, assistance and referral to individuals regarding runaways and/or emancipation. Provide information, assistance and referral to adults seeking protection from abuse actions solely on behalf of a minor who is being abused. Update or create client education materials and provide trainings and professional consultations.

C. Objective: To maximize and protect income specifically intended for children, including public benefits programs

Cases: Where supported by special grants or contracts, represent individuals in denials of child's SSI benefits. Represent youth directly in meritorious waiver of recovery of child's SSI and Social Security overpayment denials and in seeking a change in the minor's representative payee. Represent teen parents in accessing benefits programs that will provide needed support for their family. Represent unaccompanied youth in obtaining public benefits, such as Food Stamps, and General Assistance, to which they are eligible.

Matters: Provide information, assistance and referral for teen parents, unaccompanied youth, and families facing legal problems involving income for their children,

D. Objective: To maximize children's access to necessary health care

Cases: As staff and funding resources permit, represent children denied Medicaid benefits or Medicaid-type services with a focus on residential services or services where a shortage of providers exists in a geographical area. Represent minors who have a right to consent to or refuse to consent to and confidentiality issues related to health services when facing barriers asserting those rights.

Matters: Provide information, assistance and referral to youth and individuals whose children need health care or health-related services, including early intervention services.

E. Objective: Improve coordination of services for children in the juvenile justice system

Cases: As staff and funding resources permit, represent children requiring enhanced coordination of governmental services in the juvenile justice system,

Matters: Provide comments in response to public rulemakings involving governmental services, including educational services and juvenile justice services, for children . Participate in projects which will foster improved coordination of services for children and youth in the State. As requested, respond to inquiries in this area from state agencies, the Courts and the Legislature.

F. Objective: Represent the interests of children in contested family law matters

Cases: As staff and funding resources permit, accept court appointment as a Guardian *ad litem* as upon request of the court in those cases with complex issues for the child(ren) such as mental health or educational issues are identified, and where the parties are low-income. Priority will be given to those matters where one or both parties are unrepresented. Utilize *pro bono* resources through the VLP to secure Guardian *ad litem* appointments for appropriate cases. [Note: Pine Tree has not had the resources to accept such appointments except through the Coffin Fellowship program since 2010.]

Matters: Provide trainings to GALs as requested by the Courts and other agencies that work with guardians *ad litem*. Participate on task forces, commissions as invited by the courts. Update and revise client education materials for GALs.

VI. MEETING THE LEGAL NEEDS OF POPULATIONS WITH SPECIAL VULNERABILITIES

A. Objective: To enforce laws protecting the rights of Native Americans.

Cases: As staff and funding resources permit, represent Native Americans facing legal problems related to their status as Native Americans, including but not limited to: tribal housing, employment, benefits and services; other rights arising under tribal law; racial discrimination; access to healthcare; legal needs of Indian elders and youth; the Indian Child Welfare Act; education; border crossing rights, treaty rights, and other rights arising under federal Indian Law. Represent Native Americans in tribal court proceedings (including juvenile proceedings) to insure access to justice. As staff resources permit, represent Native Americans with other legal problems.

Matters: Provide information, assistance and referral to Native Americans regarding legal problems related to their status as Native Americans, as well as with other legal problems, as resources permit. As requested and staff resources permit, respond to

inquiries from tribal and state agencies, the Legislature or other groups on Native American issues and participate in projects that address the legal needs of Native Americans, including projects which address the tribal and state justice systems more generally. Provide outreach and maintain contact with community groups at all four reservations on a regular basis. Produce regular issues of the Wabanaki Legal News and other appropriate client education materials. Coordinate with the Volunteer Lawyer Project and other PTLA offices to enhance services to Native Americans statewide

B. Objective: To enforce laws protecting the rights of low-income individuals with limited English proficiency.

Cases: As staff and funding resources permit, represent individuals with limited English proficiency who need legal intervention to enforce their rights, including the following: victims of domestic violence, individuals facing eviction or unable to access housing because of discrimination; individuals who have received denials or have been unable to access government benefit programs, and individuals confronting immigration issues (where permissible under LSC regulations.)

Matters: Provide information, assistance and referral for individuals with limited English proficiency who do not have equal access to governmental services, or who are confronted with a civil legal problem for which they have sought assistance from Pine Tree.. As requested, respond to inquiries from state agencies, the Legislature or other groups on legal problems facing individuals with limited English proficiency and participate which projects which address their legal needs. As requested and staff resources permit, serve as a trainer for Court interpreters and other groups that can facilitate access to justice by individuals with limited English proficiency.

C. Objective: To enforce laws protecting the rights of low-income individuals with disabilities.

Cases: As staff and funding resources permit, represent individuals with disabilities who need legal intervention to enforce their rights, including the following: individuals facing eviction or unable to access housing because of discrimination on the basis of disability; individuals who have received incorrect denials of SSI and social security benefits for non-disability reasons and in meritorious waiver of recovery of SSI and Social Security overpayment denials; individuals with disabilities whose access to governmental services is limited due to disability.

Matters: Provide information, assistance and referral for individuals with disabilities who do not have equal access to governmental services or other legal benefits and rights. As requested, respond to inquiries from state agencies, the Legislature or other groups on legal problems facing individuals with disabilities, and participate in projects that address their legal needs.

D. OBJECTIVE: To enforce laws protecting the rights of service members, veterans and their families

Cases: As staff and funding resources permit, represent service members, veterans and their families in accessing the special legal protections and benefits available to them as a result of military service, particularly where other advocacy resources are not available.

Matters: Provide information, assistance and referral for service members, veterans and their families via web-based resources at www.statesidelegal.org. As staff and funding resources permit, develop additional content under State law for inclusion on www.ptla.org.

VII. IMPROVING THE DELIVERY OF LEGAL SERVICES AND ACCESS TO JUSTICE FOR LOW-INCOME MAINERS STATEWIDE

A. Objective: To respond to the emergency needs of low-income individuals who are unable to access any other legal service and whose legal claims involve a problem within Pine Tree's expertise.

Cases: As staff and funding resources permit, represent eligible individuals or families facing emergencies which threaten basic necessities, personal safety or wellbeing, and those who cannot otherwise access free legal services to address these problems.

B. Objective: To improve the ability of low-income individuals to respond and resolve legal problems without requiring representation.

Matters: To maintain and update Pine Tree's legal education materials, in both written form and on the Internet. To assist and support alternative dispute resolution mechanisms relevant to potential clients, including mediation projects. To maintain and coordinate the VLP's courthouse assistance projects using volunteers to provide information to pro se litigants. To maintain and coordinate the VLP "helpline" for pro se litigants in family law cases. As requested, to participate in projects or work with the Courts, state agencies and the Legislature in addressing the needs of pro se litigants.

C. Objective: Foster expanded resources for low income individuals with legal problems.

Matters: As necessary, provide information and referral to individuals seeking legal assistance for which a resource other than Pine Tree is available. Sponsor a regular "intake and referral" statewide conference. Work with the Maine Bar Foundation to develop the potential of *pro bono* resources through the VLP and other initiatives. Participate in projects sponsored by the MBF, the Courts and others which will promote new or expanded legal resources for low income individuals.

D. Objective: Improve the ability of Pine Tree staff to deliver high quality legal services.

Matters: Promote effective program management through the use of Central administrative staff and local Directing Attorneys. Encourage professional development and utilize training events where appropriate. Hold office and program wide meetings to review staff activities and office issues. Monitor administrative activities in order to maximize effective use of staff time. Facilitate use of technology where it will expand resources available to potential clients. Encourage collaboration with other legal services staff and private attorneys, especially where this will promote innovation or improved services at Pine Tree.

Pine Tree Legal Offices & Service Areas

**www.ptla.org
www.helpMElaw.org
www.vlp.org
www.kidslegal.org
www.statesidelegal.org**

Augusta

Knox, Kennebec, Somerset, Lincoln Counties
39 Green St., P.O. Box 2429
Augusta, ME 04338
622-4731

Low Income Taxpayer Clinic

Statewide
115 Main St., 3rd Floor
Bangor, ME 04401
942-8241

Bangor

Penobscot, Piscataquis, & Waldo Counties
115 Main St., 2nd Floor
Bangor, ME 04401
942-8241

Native American/Farmworker Unit

Statewide
13 Cooper Street, P.O. Box 278
Machias, ME 04654
255-8656

KIDS LEGAL - www.kidslegal.org

Statewide
88 Federal St., PO Box 547
Portland, ME 04112
774-8246 or 1-866-624-7787

Portland

Cumberland, York, Sagadahoc Counties
88 Federal St., PO Box 547
Portland, ME 04112
774-8211

Lewiston

Androscoggin, Oxford, Franklin Counties
37 Park St. Suite 401
Lewiston, ME 04240
784-1558

Presque Isle

Aroostook County
373 Main St.
Presque Isle, ME 04769
764-4349

Machias

Hancock & Washington Counties
13 Cooper Street, P.O. Box 278
Machias, ME 04654
255-8656

Volunteer Lawyers Project - www.vlp.org

Statewide
88 Federal St., PO Box 547
Portland, ME 04112
774-4348 or 1-800-442-4293
115 Main St., 2nd Floor
Bangor, ME 04401
942-9348

2011 CASE SERVICE STATISTICS

	Brief Service (A & B)	Extended Service (F-L)	Other Service	Total
Coffin	6	52	5	63
Disability Contract	16	5	3	24
Disclosure Project	9	70	2	81
DOJ	8	19	0	27
Employment Project	169	7	20	196
Farmworker	58	25	2	85
Foreclosure Project	119	92	24	235
HUD/Fair Housing	106	160	1	267
KIDS	165	135	15	315
Low-Income Taxpayers Clinic	48	12	24	84
LSC	2,679	791	309	3,779
MSHA Eviction Advocacy	35	395	2	432
Native American	69	17	14	100
State, IOLTA, & Filing Fee	256	69	15	340
TANF Stimulus	2	7	1	10
United Way	62	226	4	292
Pine Tree Subtotal	3,807	2,082	441	6,330
VLP	3,703	400	163	4,266
Grand Total	7,510	2,482	604	10,596

	LSC	VLP	FWU	NAU	DV	State IOLTA Filing Fee	KIDS	Other Funding	Other Service	Total
Housing	2,288	174	1	25	7	218	4	899	175	3,791
Benefits	321	279	26	14	1	34	9	43	67	794
Family	272	2,945	0	5	358	8	135	5	146	3,874
Consumer	348	414	0	8	1	26	2	82	64	945
Other	241	291	56	34	3	39	150	226	152	1,192
Total	3,470	4,103	83	86	370	325	300	1,255	604	10,596

2010 CASE SERVICE STATISTICS

	Brief Service (A & B)	Extended Service (F-L)	Other Service	Total
Coffin	9	33	0	42
Disability Contract	4	5	0	9
DOJ	48	84	3	135
Employment Project	194	5	34	233
Farmworker	54	11	2	67
Foreclosure Project	177	66	25	268
HUD/Fair Housing	98	82	2	182
KIDS	187	128	20	335
Low-Income Taxpayers Clinic	61	13	15	89
LSC	2,298	666	245	3,209
MSHA Eviction Advocacy	69	294	3	366
Native American	55	6	8	69
State, IOLTA, & Filing Fee	289	81	60	430
TANF Stimulus	207	153	14	374
United Way	42	207	6	255
Pine Tree Subtotal	3,792	1,834	437	6,063
VLP	4,010	464	138	4,612
Grand Total	7,802	2,298	575	10,675

	LSC	VLP	FWTU	NAU	DV	State IOLTA Filing Fee	KIDS	Other Funding	Other Service	Total
Housing	1,808	182	2	18	23	230	21	1,022	205	3,511
Benefits	303	300	25	3	3	23	5	58	66	786
Family	321	3,231	0	3	379	29	113	62	112	4,250
Consumer	315	457	0	3	2	44	0	16	45	882
Other	217	304	38	34	8	44	176	278	147	1,246
Total	2,964	4,474	65	61	415	370	315	1,436	575	10,675

Outcor 2011+

LA

Date Range: 1/1/2011 /31/2011
Cases Selected by: All Cases Handled

Funding Source: ALL Funding Sources

Office(s): ALL Offices

Consumer		
Assist with forms/prep for hearing: 64	Avoid excessive/unlawful garnishment: 73	Resolve consumer dispute: 14
Avoid excessive/unlawful debt: 43	Total Savings: \$139,265	Total Savings: \$52,686
Total Savings: \$195,746	Monthly Savings: \$12,905	
Obtained money/item owed client (including personal property FED): 3		Protect from illegal creditor harassment: 20
Value of money/item recovered: \$106,361		
Education		
Assist with prep for school meeting: 11	Protect student safety: 7	Protect confidential information: 0
Return/keep student in school: 22	Secure needed services: 34	Obtain systemic change in school system: 10
Coordinate services with other organization(s): 0		

Outco - 2011+

LA

Date Range: 1/1/2011 - 2/31/2011
Cases Selected by: All Cases Handled

Funding Source: ALL Funding Sources

Office(s): ALL Offices

Employment

Assist with forms/prep for hearing: 2	Maintained work or professional license: 2	Assist client to get private counsel: 2
Prevent wrongful discharge: 0	Obtained wages/back pay due: 16	Secured damages for illegal job action: 4
Weekly wages: \$0	Amount of money owed: \$22,064	Damages: \$4
Enforced workplace job protection: 0		
Weekly wages: \$0		

Taxes

Tax preparation/re-filing: 7	Compliance with tax laws: 49	Assist client to get private counsel: 13
Enforced federal tax laws: 31		Enforced state tax laws: 8
Refund/credit/savings to taxpayer - Federal: \$428,830		Refund/credit/savings to taxpayer - State: \$47,907

Funding Source: ALL Funding Sources

Family	
Assist with forms/prep for hearing: 54	Remains in family home: 121
Protect from abuse/harassment: 313	Supervised visits/exchanges: 66
Reverse substantiation by DHHS: 3	Financial responsibilities ordered: 95
Monthly wages protected by reversal: \$0	Alimony (monthly): \$7,601
Secure due process for parent, e.g. child support: 0	Child support (weekly): \$9,237
Savings from modification: \$306	Damages (one-time): \$26,721
	Value of property division: \$429,950
	Court order stabilizes family situation (divorce, PR&R, etc.): 250
Health	
	Protect confidential health information: 2
Get/obtain health benefit or service (including coverage): 42	Value of health benefit (monthly): \$28,283
	Value of health benefit (one-time): \$46,428
Juvenile	
Assist with forms/prep for hearing: 3	Avoided detention/commitment: 0
	Living situation stabilized (guardianship/emancipation): 6

Outcor 2011+

LA

Date Range: 1/1/2011 /31/2011
Cases Selected by: All Cases Handled

Funding Source: ALL Funding Sources

Office(s): ALL Offices

Rental Housing

Assist with forms/prep for hearing: 15	Security deposit refunded: 32	Dismissed eviction: 612
Delayed eviction/Secured time to find alternative housing: 524	Value of security deposit: \$22,672	Value of settlement: \$177,211
Number of days secured: 12,141		Enforce landlord/tenant laws: 134
Obtain/Retain subsidized housing: 165	Unsafe housing addressed: 45	Total value of award: \$34,405
Value of monthly subsidy: \$72,461	Total value of reduced rent/repairs: \$8,461	

Homeownership

Assist with forms/prep for hearing: 57	Avoid homelessness through foreclosure: 71
Secure time to find alternative housing: 18	Value of loan modification: \$3,533,810
Number of weeks secured: 3,118	Value of debt/fees forgiven: \$1,958,691
Obtain tax abatement: 1	Value of damages for mortgagor: \$19,160
Value of tax abatement: \$6,800	Enforce home purchase laws/clear title (including bond for deed): \$12
	Settlement: \$82,500

Income Maintenance	
Secure/improve job training: 1	Secure/improve own business benefits: 0
Obtain/maintain income benefits: 73	Reduce or waive overpayment: 15
Value of monthly benefit: \$112,659	Value of overpayment reduced or waived: \$145,522
Value of lump sum: \$272,393	Stop financial exploitation (e.g. change rep payee): 0
	Value of benefits protected: \$560

Individual Rights	
Enforce all laws barring discrimination (including LED, ADA, MHRC, HUD): 30	
Value of settlement: \$37,560	
Enforce rights related to Indian status: 1	
Value of settlement: \$0	

Miscellaneous	
Protect family assets through probate: 1	Protect interests in damage claim (either affirmative or defensive): 1
Value of estate: \$6,812	Value of interests: \$0
	Maintain driver's license: 2

Number of Cases: 7,724 Cases with Outcomes: 2,331 Cases Without Outcomes: 5,393



ASSISTANCE

Client Grievance Procedures

If You Have a Complaint

If you have a complaint about Pine Tree, talk this over with _____. This is the **Directing Attorney** of the office serving you. If you are still not satisfied, write to:

Executive Director
Pine Tree Legal Assistance
P.O. Box 547
Portland, Maine 04112

Give the details as you see them. In an emergency, call the **Executive Director** at 207-774-4753.

If you still cannot work things out, ask for a review by the **Board of Directors**. The Executive Director must tell the **President of the Board** of your request. If you were denied services unfairly, the President can decide the question. Or he can send it to the Grievance Committee, if you prefer. If you are complaining about something else, the Grievance Committee will review your case.

Grievance Committee

The Committee will ask you to write or tell about your complaint. You can ask another person to help you, if you like. If you ask, Pine Tree will type up a short statement in your own words.

Record Keeping

Pine Tree keeps a file on each complaint. If you make a written statement, we will keep it. It will go in the file with the decision on your complaint.

Introduction



One of the Board's primary responsibilities is to ensure that the organization has adequate resources to fulfill its mission. As fiduciaries of the organization, the board is responsible for ensuring provider financial viability.

The Board's role in monitoring fiscal accountability is one that is shared between the full board, the board's finance committee and the staff.

Board Role	Finance Committee Role	Staff Role
Approves a budget that reflects organization's goals and policies	Revises budget and makes recommendations	Prepares budget and presents to finance committee or board with back-up information
Reviews monthly or quarterly financial statements	Review monthly financial statements with CFO, controller or CPA	Monitors income and expenses on daily basis. Prepares financial and program reports, which can be compared to budget and projected activities
Ensures adequate financial controls and that financial reports are in accordance with accounting practices	Reviews accounting and control policies and makes recommendations for changes and improvements	Raises policy issues and provides information for standard accounting policy decisions. Carries out financial policies established by the board
Hires auditor.	Reviews auditor proposals and recommends selection of auditor to full board.	Circulates RFPs for auditor.
Reviews the audited financial statements, management letter and senior staff response.	Review the audited financial statements, management letter, and senior staff's response with staff and auditor	Provides information and offers recommendations to finance committee. If necessary responds to management letter
Approves organization's investment policies and reviews them annually.	Regularly reviews and makes recommendations about investment policies	Provides information and analysis if needed
Is well informed about the organization's finances.	Coordinates board training on financial matters. Acts as liaison between full board and staff on fiscal matters	Provides training and information as needed.

Background

With 52+ staff members, six field offices and several statewide projects, as well as 25 - 30 different funding sources, development of the Pine Tree budget is complicated. The current Pine Tree budgeting approach has been used since 1999. It has been consistently approved by auditors and other funders. It is usually described as a “cost allocation” system. This summary is designed to help you better understand how it works.

Staff at Pine Tree are required by its primary federal funder, the Legal Services Corporation, to track all time spent on work activities on a daily basis. Most of the staff do this in the same way that private attorneys would track time spent for paying clients: we use a timer function in our computerized case management system when we are working on a specific case or file, so it's very accurate.

Staff charge their time to specific “clients” in the computerized system. For most people, their time is charged to actual clients whose cases are being handled by the program. Administrative staff time is charged instead to specific projects such as “board of directors” or “grant development.” Each “client” is also charged to a specific funding source. The time records are reviewed and approved every two weeks by the employee's supervisor. We then rely on those actual time records to allocate program costs among all of the program funding sources.

The written program budget that is reviewed by the Board at each meeting includes several “cost centers” that are listed across the top of the spreadsheet. The current cost centers include the following:

- **Central** This includes most of the Administrative Office staff salary and benefits as well as administrative costs such as the audit, payroll, and insurance costs that are required by our auditor to report as administrative charges.)
- **Program Expenses** This column refers to the other programwide costs that benefit all parts of Pine Tree. In terms of salary and benefit, it includes a portion of the salary and benefits for our Litigation Director Tom Kelley and Website Coordinator Kathleen Caldwell. (Some of Tom's time is also charged to the “General” cost center because he currently serves as the managing attorney for the Augusta field office. Some of Kathleen's time is also charged to specific “Technology grants” that show up under that cost center.)
- **General:** This includes both the general work of field offices and special grants that are too small to justify a column in the budget.
- **Migrant:** This includes the special LSC grant to provide legal services to migrant farmworkers throughout New England and related funding
- **Native American:** This includes the special LSC grant to provide legal services to Native Americans in Maine and CT, and related funding
- **VLP:** The Maine Volunteer Lawyers Project which is operated as a joint project with the Maine Bar Foundation
- **Family Law Project:** Several grants support family law advocacy, primarily for

victims of domestic violence and sexual assault.

- **KIDS LEGAL:** This statewide project was launched with a federal earmark in 2004 and remains the only children's law project in Maine;
- **Technology grant:** This refers to the special technology grants that Pine Tree receives from the Legal Services Corporation and other sources, for website development and other technology needs;
- **Provider Network:** This refers to the "Fee for Service" network that Pine Tree has staffed since 1999 and which provides software, hardware and IT support to several legal aid providers and the Maine Bar Foundation on a "fee for service" basis.

When our fiscal manager, Susie Oliver, builds the annual budget, it is based on projected staffing and time for each specific cost center at Pine Tree. However, when the books are closed for the fiscal year (typically in February), actual work hours and actual expenses are reviewed and the necessary adjustments to the final cost allocations are made. Those adjustments show up in the annual audit (and the 990, which is done in September.)

How costs are allocated in the budget

Some cost centers have only a few funding sources; others have many. In practical terms for a specific project or Pine Tree's general operations, this means the following:

Salary and benefits are charged to the funding source (for instance, HUD Fair Housing) on the basis of actual salary and benefits of the employees doing the work. For instance, we have two current staff who work in the HUD fair housing grant on a full-time basis, but other staff around the program may also do some cases. If other staff contributes advocacy services to a unit, their salary and benefits are recognized in terms of percentage of total time charged the special unit versus their total time worked. (Example, if a general legal services attorney records 10% of his/her hours to the HUD fair housing grant for any month, that attorney's actual salary and benefits will be charged 90% Basic/10% HUD fair housing).

Occupancy expenses are distributed to each unit based on hours. A set of core hours has been established: 1600 for attorneys, 1500 for paralegal/secretary, and actual hours for volunteers. Distribution of expenses for all occupancy costs is based on the core hours for each unit in the location. (Example: if total core hours for Portland location are 47,800, and total core hours for the HUD fair housing grant in Portland are 4,780, all occupancy expenses will be charged 10% to HUD fair housing.). These costs include:

- Rent
- Utilities
- Fuel
- Repairs to office
- Maintenance
- Telephone
- Supplies
- Photocopies

- Postage
- Library
- Rental or repair of equipment

Discrete costs are charged directly to the unit. These costs include:

- “Court costs” specific to the cases handled by that Unit (including filing fees, subpoenas, etc.);
- “purchase of services” specific to the Unit (This could include special contracts that only benefit that unit, such as the contracts with other legal aid programs in MA, NH and CT to support migrant farmworker outreach in New England.)
- “Volunteer expenses specific to that Unit (For instance, the costs of special receptions for VLP volunteers that are held each year.);
- “travel” and “training” specific to the staff and volunteers in that Unit (which includes actual travel and paid CLE programming in Maine, as well as out of state travel and trainings by Unit staff.)
- “telephone” expenses specific to that Unit (such as a special toll-free number)
- A portion of “membership dues” for some Unit staff to belong to professional groups such as the Maine State Bar Association.)

Administrative office (Central) and program wide expenses are distributed to the units based on the total hours for the program as a whole. (Example: if total core hours for the program are 80,904/year, and total core hours for HUD fair housing are 8,090/year, HUD fair housing will be charged 10% of Administrative and program expenses). The types of costs allocated on a program wide basis include:

- (1) Salary and benefits for the Pine Tree Administrative office staff (Director, Fiscal Manager, Book-keeper, Litigation Director, Development Associate and a portion of the “Information Technology staff”, together with related overhead costs:
- (2) Technology costs (including the costs of Internet service, etc.)
- (3) Audit
- (4) Payroll service fees
- (5) Errors & Omissions, property, and malpractice insurance
- (6) Pre-printed client education (e.g., *Foreclosure Prevention Tool-Kits*, etc.)
- (7) Costs associated with the Board of Directors

For a cost center / unit with more than one funding source, expenses are shared based on the percent of funding contributed to the unit. (Example: Assume the Native American Unit receives 55% funding from LSC, 24% from MCLSF, 6% from IOLTA and 10% from State of Maine. All expenses paid for Native American work will then be distributed to those funding sources accordingly.

Program Antifraud and risk assessment policy**Background**

In 2008, the program auditor recommended implementation of a formal fraud risk assessment and monitoring program including:

- a risk assessment to determine where current fraud risk factors exist, and
- a review of its existing antifraud controls and ongoing monitoring procedures.

Administrative staff subsequently undertook this review and risk assessment, and identified needed changes. In 2008, the Board approved two new policies (pertaining to document destruction and whistleblower protection.) Staff also modified several existing policies in order to provide tighter programmatic controls and to minimize the risk or potential of fraud in the work place. Finally, staff reaffirmed the importance of other program policies that advance those goals or that reduce the risks to Pine Tree created by noncompliance with regulations of the Legal Services Corporation or other funders. In 2010, additional policies were adopted at the suggestion of the Office of Inspector General at the Legal Services Corporation.

The following policies and procedures are now part of the formal fraud risk assessment and monitoring program at Pine Tree Legal Assistance. All new staff are expected to review these policies during their orientation to the program; all staff have access to the policies on the program's internal Sharepoint site. Senior managers should review these policies with program staff and the Board of Directors on a regular basis.

Financial Protections

- The program's detailed fiscal manual describes the separation of authority and responsibility for cash receipts, check signing, credit card transactions, and authority over the program bank accounts;
- Senior staff managers with check-signing authority may not sign checks payable to themselves or immediate family members;
- Senior staff managers rotate responsibility for conducting a review of monthly bank statements to insure appropriate bank activity in program accounts;
- All staff time sheets (including those of supervisors and managers) are timely prepared, reviewed and signed by someone in a position of authority relative to that staff member ;
- All staff expense requests (including those of supervisors and managers) are reviewed and signed by someone in a position of authority relative to that staff member;
- The staff work reimbursement policy is capped at \$45 per diem per person and requires receipts for all expenses incurred;
- Pine Tree also has policies addressing a number of specific financial transactions, including:
 - Travel Advance Policy
 - Salary Advance Policy

- Cell Phone Reimbursement Policy
- Credit Card Policy
- Travel Reimbursement Policy
- Client Escrow Account Policy
- Petty Cash Policy
- Policy for handling voided checks
- Request for Purchase Policy
- Policy on acceptance of client gifts and contributions
- Policy on the use of the Farmworker Jeep for work-only purposes

Compliance Protections

- The program has a policy on the outside practice of law or outside work by full-time staff attorneys that could create the potential of conflict with Pine Tree service and a corresponding provision in the collective bargaining agreement that applies to program paralegals;
- Policy Statement regarding criminal liability under 45 CFR 1640;
- Program Resources Policy (including staff use of computers, email and the Internet);
- Program Policy on staff involvement in political activities;
- Document Destruction policy;
- Whistleblower Protection policy;
- The program has adopted policies that respond to all of the Legal Services Corporation regulations governing program activity with LSC or other funding sources;

Other antifraud and reduction of risk policies

- Pine Tree conducts a criminal background check for all volunteers and non-attorney staff before the individual is allowed to start work in a Pine Tree office (the Maine Board of Bar Overseers or comparable licensing body is presumed to have conducted this review for all attorney staff working at Pine Tree)
- The program nepotism policy has been updated to reflect reference of staff concerns to the Board President where they relate to the Executive Director Nan Heald, and when requested by the Litigation Director Thomas Kelley because they relate to Southern Regional Managing Attorney Frank D'Alessandro (who is married to Nan Heald)
- The program has longstanding policies mandating staff timekeeping for all work-related time, as well as a "working assumptions" policy for what can be considered work-related activity;

OPERATING RESERVE FUND

September 2012

In 1998, the Pine Tree Board of Directors approved creation of an operating reserve fund with \$100,000, the first such operating reserve in Pine Tree's history as a nonprofit organization. The Fund was created in the wake of serious financial difficulties in the early and mid-1990's that had resulted in the elimination of 33 staff positions. Lacking a reserve fund, management had to time staff layoffs to ensure that the program budget would be balanced by the start of a new fiscal year, which created obvious disruptions in client service. In other years, givebacks from the staff (including furloughs) were used as a way to balance the program budget. The reserve fund was created at a time when Pine Tree's financial situation had stabilized, with the knowledge that funding uncertainties could recur in the future.

It was the intention of the Board at the time that the Operating Reserve Fund (aka the Stabilization Fund) be utilized only to address extraordinary needs of the program, arising in an emergency-type context, upon recommendation of the Executive Director and approval of the Board. Examples would include bridging a temporary shortfall in a major funding source or postponing/avoiding the loss of permanent staff positions in order to maintain client services.

The fund has been periodically increased, as the program's funding situation allowed. Withdrawals from the Fund have been very limited:

- In the fall of 2002, the Board approved the release of \$80,000 from the Operating Reserve Fund to maintain services to victims of domestic violence pending action on Pine Tree's grant application for "legal assistance to victims" with the US Department of Justice.
- In 2009- 2010, the Board approved the use of roughly \$40,000 to support needed renovations of the Augusta office building, which is owned by Pine Tree;
- In 2012, the Board approved the use of Reserve Funds to underwrite the costs of a voluntary severance package offered to senior staff attorneys in an effort to reduce staffing costs. One such package has already been executed; the other is expected by year's end.

By the end of 2012 (after both severance packages have been fully paid), staff project the amount in the Operating Fund Reserve to be \$981,613.

Duties of Care, Loyalty & Obedience: Standards, References & Tools

The Three D's – Duties of Care, Loyalty & Obedience – articulate the basis of the board's fiduciary responsibilities.

Duty	Standards, Legal & Compliance	Samples & Tools
Duty of Care Board members must exercise due care in all dealings with the organization and its interests.	<ul style="list-style-type: none"> • ABA Standard 1.1-1: On Governing Body oversight of the provider • ABA Standard 1.1-3: On Fiscal Matters 	<ul style="list-style-type: none"> • Sample board member expectations
Duty of Loyalty Requires board members to exercise their power in the interest of the provider and not in their own interest or interest of another entity. When acting on behalf of the provider, board members must put the provider's interests before their personal and professional interests.	<ul style="list-style-type: none"> • ABA Standard 1.2-4: On Governing Body Members' Conflicts of Interest • IRS Form 990 asks whether the organization <ul style="list-style-type: none"> ○ has a written conflict-of-interest policy ○ requires directors, officers, key employees, and others to annually disclose interests that could give rise to conflicts ○ regularly monitors and enforces compliance with the policy 	<ul style="list-style-type: none"> • Sample conflict of interest policy • Sample conflict of interest disclosure statement • Sample Form 990 section related to conflicts
Duty of Obedience Obedience to the provider's mission and purpose must guide all decisions. The board must also ensure that the provider functions within the law, both the "law of the land" and its own by-laws and other policies. The board members must remain the guardians of the mission.	<ul style="list-style-type: none"> • IRS Form 990 requires disclosure of certain transactions with current or former directors, officers, and key employees • The Sarbanes-Oxley Act (SOX), Section 1107, makes it a federal crime to retaliate against whistleblowers in certain circumstances. • IRS Form 990 asks whether the organization has a written whistleblower policy. 	<ul style="list-style-type: none"> • Sample legal aid program mission statement • Sample by-laws • Sample whistleblower policies • Sample Form 990 sections related to whistleblower policy and transaction disclosures

Legal Aid Boards: Roles and Responsibilities



Within the context of the board's overall purpose, the board is also expected to fulfill the following roles and responsibilities.

Board of Director Responsibilities	Related ABA Standard
Determine organization's mission and purpose: The Board is responsible for creating and periodically reviewing a statement of the organization's mission and purpose that articulates its goals, ascertains the means it will utilize to accomplish those goals, and identifies the primary constituents to be served. Each individual board member must understand and support the organization's mission.	<ul style="list-style-type: none"> • Standard 1.1: On Overall Functions & Responsibilities of the Board • Standard 1.2-1: On Individual Member's Commitment to the Provider
Select and support the Chief Executive and assess his or her performance. The Board is responsible for hiring the organization's Chief Executive and holding the Chief Executive accountable for the organization's operations. The Board should provide necessary support, oversight, and feedback to ensure that the Chief Executive is able to fulfill the organization's mission and goals. The board should also conduct periodic formal evaluations to assess the Chief Executive's overall performance.	<ul style="list-style-type: none"> • Standard 1.1-4: On Relations with the Chief Executive
Determine, monitor and strengthen the organization's programs and services: The Board is responsible for monitoring the organization's programs and operations to ensure that they are consistent with the mission, functioning effectively and in compliance with its policies.	<ul style="list-style-type: none"> • Standard 1.1-1: On Board Oversight of the Provider
Ensure adequate resources: One of the Board's primary responsibilities is to ensure that the organization has adequate resources to fulfill its mission. The board should work in partnership with the Chief Executive and other staff to support those efforts.	<ul style="list-style-type: none"> • Standard 1.1-6: On Resource Development • Standard 1.1-3: On Fiscal Matters
Ensure legal and ethical integrity and maintain accountability: The Board is ultimately responsible for ensuring the organization's adherence to legal standards and ethical norms. Consistent with the organization's mission, the board has responsibility to set broad general policies, including, in the first instance, articles of incorporation and by-laws.	<ul style="list-style-type: none"> • Standard 1.1: On Overall Functions & Responsibilities of the Board • Standard 1.1-7: On Board Members' Conflicts of Interest

**Legal Aid Boards:
Roles & Responsibilities**

Board of Director Responsibilities	Related ABA Standard
<p>Ensure effective organizational planning: The board should actively participate with staff in organizational planning that furthers the provider's mission and fosters the effective and efficient utilization of its resources to meet the most compelling legal needs of its clients.</p>	<ul style="list-style-type: none"> • Standard 1.1: On Overall Functions & Responsibilities of the Governing Body • Standard 2.1: Identifying legal needs and preparing to respond
<p>Recruit and orient new board members and assess board performance: The Board is responsible for building a diverse board that reflects a broad cross-section of the low-income and legal communities as well as other sectors such as business, social service organizations and law schools and that represents the wide range of expertise and skills necessary for overall board and organizational effectiveness. Boards must also orient new members to their responsibilities and to the organization's history, needs, and challenges.</p>	<ul style="list-style-type: none"> • Standard 1.3: On Training Members of the Board • Standard 1.2-2: On Board members from communities served by the provider • Standard 1.2-1: On Individual Member's Commitment to the Provider
<p>Enhance the organization's public standing: The board is the organization's primary link to the community -- including clients, other constituents, the public and the media. Board members should assist in public relations and when appropriate, engage in forceful advocacy on behalf of the provider.</p>	<ul style="list-style-type: none"> • Standard 1.1-5: On Serving as a Resource to the Provider • Standard 1.1-6: On Individual Members' Commitment to the Provider • Standard 1.3: On board communication with low income and legal communities

Introduction to Board/Staff Partnership

Board/staff partnership. The relationship between the legal aid board of directors and the chief executive is one of the most critical aspects of legal aid program effectiveness and leadership. The level of fluidity or structure in this relationship varies from program to program and changes over time.

While the board has authority to define provider mission and set strategic directions for provider services and other activities, it is the chief executive who is charged with implementing strategic goals and managing the provider's day-to-day operations.

	Board's Role	Chief Executive Role
Authorized by	<ul style="list-style-type: none"> Authorized by state and federal government, funders and supporters 	<ul style="list-style-type: none"> Authorized by the board
Role	<ul style="list-style-type: none"> Establishes organizational mission & direction Ensures necessary resources Retains ultimate responsibility & power over the organization. 	<ul style="list-style-type: none"> Manages the provider's day to day affairs. Supports the board by providing organizational planning, coordination and implementation of provider services and strategic goals Retains immediate operational responsibility & power over the organization.
Accountable to:	<ul style="list-style-type: none"> Accountable to the public trust and the provider's constituencies. 	<ul style="list-style-type: none"> Accountable to the board.

Introduction to Board/Staff Partnership

The Board Expects the Chief Executive to:	The Chief Executive expects the Board to:
Serve as Chief Operations Executive of the Organization	Provide Counsel and advice giving the benefit of its judgment, expertise, and familiarity
Serve as professional advisor to the Board	Consult with the Executive on all matters which the Board is considering
Recommend appropriate policies for consideration	Delegate responsibility for executive functions
Implement the policies adopted by the Board	Refrain from handling administrative details
Keep the Board fully and accurately informed regarding the organization's programs	Make the Staff responsible to the Executive Director
Develop a budget in connection with the Finance Committee. Keep the Board up-to date on budget problems	Share all communication with Executive Director
Interpret the needs of the programs and present professional recommendations on all problems and issues considered by the Board	Provide support to Executive Director and staff in carrying out their professional duties
Recruit and supervise the best personnel and develop a competent Staff	Support the Executive Director in all decisions and actions consistent with policies of the Board and the standards of the organization
Devote time to improving the staff	Hold the Executive Director accountable for supervising the organization
Be forthcoming regarding strengths and challenges in carrying out the role of Executive Director	Evaluate the work of the Executive Director

To ensure a successful board/chief executive relationship, there needs to be:

- Clarity in their respective roles
- Appropriate division of responsibilities
- Good communication
- Attention to establishing and maintaining a good working relationship.

**Monitoring:
What to Look For**

In order to fulfill its oversight role, **ABA Standard 1.1-1** suggests that, at a minimum, legal aid boards should review regularly reports and other resources that update them on:

- Internal reports from program management on financial matters
- Caseload statistics
- Disposition of cases
- Funding changes
- Major provider undertakings.
- Annual financial audit.
- Monitoring and evaluation reports from funding sources.
- Problems or deficiencies in compliance and should assure that management takes corrective action.

Standard 1.1-1 suggests that the board should be aware of the following "warning signs" that may suggest problems within the providers operation.

- A lack of success in its representation;
- A sharp change in the number of cases handled;
- Significant deviations from the approved budget;
- Negative audit findings;
- Negative findings by outside reviewers;
- Difficulties in fundraising or a loss of significant grants or other sources of funds;
- An increase in client complaints;
- An increase in complaints from employees of the provider;
- An increase in complaints from members of the bar, the general legal community or others serving low income communities
- A decrease in participation by outside attorneys willing to accept referrals of clients from the provider;
- A failure to implement governing body policies and plans.

GOVERNANCE AND OVERSIGHT

The governing board has the ultimate oversight authority for any charitable organization. This section of the standards seeks to ensure that the volunteer board is active, independent and free of self-dealing. To meet these standards, the organization shall have:

- 1. A board of directors that provides adequate oversight of the charity's operations and its staff.** Indication of adequate oversight includes, but is not limited to, regularly scheduled appraisals of the CEO's performance, evidence of disbursement controls such as board approval of the budget, fund raising practices, establishment of a conflict of interest policy, and establishment of accounting procedures sufficient to safeguard charity finances.
- 2. A board of directors with a minimum of five voting members.**
- 3. A minimum of three evenly spaced meetings per year of the full governing body with a majority in attendance, with face-to-face participation.** A conference call of the full board can substitute for one of the three meetings of the governing body. For all meetings, alternative modes of participation are acceptable for those with physical disabilities.
- 4. Not more than one or 10% (whichever is greater) directly or indirectly compensated person(s) serving as voting member(s) of the board. Compensated members shall not serve as the board's chair or treasurer.** [Publicly soliciting churches and other houses of worship: see the Implementation Guide for further information about the application of this standard.]
- 5. No transaction(s) in which any board or staff members have material conflicting interests with the charity resulting from any relationship or business affiliation.** Factors that will be considered when concluding whether or not a related party transaction constitutes a conflict of interest and if such a conflict is material, include, but are not limited to: any arm's length procedures established by the charity; the size of the transaction relative to like expenses of the charity; whether the interested party participated in the board vote on the transaction; if competitive bids were sought and whether the transaction is one-time, recurring or ongoing.

MEASURING EFFECTIVENESS

An organization should regularly assess its effectiveness in achieving its mission. This section seeks to ensure that an organization has defined, measurable goals and objectives in place and a defined process in place to evaluate the success and impact of its program(s) in fulfilling the goals and objectives of the organization and that also identifies ways to address any deficiencies. To meet these standards, a charitable organization shall:

- 6. Have a board policy of assessing, no less than every two years, the organization's performance and effectiveness and of determining future actions required to achieve its mission.**
- 7. Submit to the organization's governing body, for its approval, a written report that outlines the results of the aforementioned performance and effectiveness assessment and recommendations for future actions.**

FINANCES

This section of the standards seeks to ensure that the charity spends its funds honestly, prudently and in accordance with statements made in fund raising appeals. To meet these standards, the charitable organization shall:

Please note that standards 8 and 9 have different denominators.

- 8. Spend at least 65% of its total expenses on program activities.**

Formula for Standard 8:

Total Program Service Expenses

should be at least 65%

Total Expenses

9. Spend no more than 35% of related contributions on fund raising. Related contributions include donations, legacies, and other gifts received as a result of fund raising efforts.

Formula for Standard 9:

Total Fund Raising Expenses

should be no more than 35%

Total Related Contributions

10. Avoid accumulating funds that could be used for current program activities. To meet this standard, the charity's unrestricted net assets available for use should not be more than three times the size of the past year's expenses or three times the size of the current year's budget, whichever is higher.

[Meeting certain public disclosure requirements described in the Implementation Guide may enable a charity to satisfy this standard.]

An organization that does not meet Standards 8, 9 and/or 10 may provide evidence to demonstrate that its use of funds is reasonable. The higher fund raising and administrative costs of a newly created organization, donor restrictions on the use of funds, exceptional bequests, a stigma associated with a cause and environmental or political events beyond an organization's control are among factors which may result in expenditures that are reasonable although they do not meet the financial measures cited in these standards.

11. Make available to all, on request, complete annual financial statements prepared in accordance with generally accepted accounting principles. When total annual gross income exceeds \$250,000, these statements should be audited in accordance with generally accepted auditing standards. For charities whose annual gross income is less than \$250,000, a review by a certified public accountant is sufficient to meet this standard. For charities whose annual gross income is less than \$100,000, an internally produced, complete financial statement is sufficient to meet this standard.

12. Include in the financial statements a breakdown of expenses (e.g., salaries, travel, postage, etc.) that shows what portion of these expenses was allocated to program, fund raising, and administrative activities. If the charity has more than one major program category, the schedule should provide a breakdown for each category.

13. Accurately report the charity's expenses, including any joint cost allocations, in its financial statements. For example, audited or unaudited statements which inaccurately claim zero fund raising expenses or otherwise understate the amount a charity spends on fund raising, and/or overstate the amount it spends on programs will not meet this standard.

14. Have a board-approved annual budget for its current fiscal year, outlining projected expenses for major program activities, fund raising, and administration.

FUND RAISING AND INFORMATIONAL MATERIALS

A fund raising appeal is often the only contact a donor has with a charity and may be the sole impetus for giving. This section of the standards seeks to ensure that a charity's representations to the public are accurate, complete and respectful. To meet these standards, the charitable organization shall:

15. Have solicitations and informational materials, distributed by any means, that are accurate, truthful and not misleading, both in whole and in part. Appeals that omit a clear description of program(s) for which contributions are

sought will not meet this standard.

A charity should also be able to substantiate that the timing and nature of its expenditures are in accordance with what is stated, expressed, or implied in the charity's solicitations.

16. Have an annual report available to all, on request, that includes:

- a. the organization's mission statement,
- b. a summary of the past year's program service accomplishments,
- c. a roster of the officers and members of the board of directors,
- d. financial information that includes (i) total income in the past fiscal year, (ii) expenses in the same program, fund raising and administrative categories as in the financial statements, and (iii) ending net assets.

17. Include on any charity websites that solicit contributions, the same information that is recommended for annual reports, as well as the mailing address of the charity and electronic access to its most recent IRS Form 990.

18. Address privacy concerns of donors by

- a. providing in written appeals, at least annually, a means (e.g., such as a check off box) for both new and continuing donors to inform the charity if they do not want their name and address shared outside the organization, and
- b. providing a clear, prominent and easily accessible privacy policy on any of its websites that tells visitors (i) what information, if any, is being collected about them by the charity and how this information will be used, (ii) how to contact the charity to review personal information collected and request corrections, (iii) how to inform the charity (e.g., a check off box) that the visitor does not wish his/her personal information to be shared outside the organization, and (iv) what security measures the charity has in place to protect personal information.

19. Clearly disclose how the charity benefits from the sale of products or services (i.e., cause-related marketing) that state or imply that a charity will benefit from a consumer sale or transaction. Such promotions should disclose, at the point of solicitation:

- a. the actual or anticipated portion of the purchase price that will benefit the charity (e.g., 5 cents will be contributed to abc charity for every xyz company product sold),
- b. the duration of the campaign (e.g., the month of October),
- c. any maximum or guaranteed minimum contribution amount (e.g., up to a maximum of \$200,000).

20. Respond promptly to and act on complaints brought to its attention by the BBB Wise Giving Alliance and/or local BBBs about fund raising practices, privacy policy violations and/or other issues.

Copyright 2003, BBB Wise Giving Alliance

Pine Tree Legal Assistance Long Range Planning Document approved on November 28, 2007

Performance Area #1 Effectiveness In Identifying The Most Pressing Civil Legal Needs Of Low-Income Mainers And Targeting Resources To Meet Those Needs			
Criterion 1 – Periodic comprehensive assessment and ongoing consideration of legal needs			
Goal	Strategies	Deadlines	
GOAL #1: Broad data gathering at beginning of needs assessment process	Continue to convene focus groups of staff, board and interested individuals with expertise in various substantive law areas for discussion of work and need.	Every three to four years. Completed in 2012.	
	Be attentive to non-traditional and emerging needs that may be referenced in the press or stakeholder input	Every three to four years. Completed in 2012	
GOAL #2: Involve external players in assessment	Request input from Court leaders, private bar and social service agencies in reviewing draft needs assessment.	Every three to four years. Completed in 2012	
GOAL #3: Conduct review of different levels of service within each area	Present focus group with detailed information about the level of Pine Tree and VLP services in each subject area, as well as information about other providers that may be involved in this work	Every three to four years. Completed in 2012	
	Continue to provide focus group with an analysis of outcome measures for each subject area under discussion	Every three to four years. Completed in 2012	
	Identify level of staffing resources that would actually be needed to respond to need, even if this is not feasible to implement because of funding limitations	Every three to four years. Completed in 2012	
Criterion 2 – Setting goals and objectives, developing strategies and allocating resources			
Develop a detailed Statement of Priorities that reflects the most important needs for Pine Tree and VLP advocacy that can be implemented effectively	As the Statement is being developed, discuss anticipated and quantifiable levels of service within each substantive priority area (e.g., “complete work on 1,200 private evictions/year.”) to be supported with existing staff.		Every three to four years. Done in 2012

	As the Statement is being developed, encourage identification of new outcome measures within each substantive priority area that can insure that limited resources are being focused appropriately	Every three to four years. Done in 2012
Criterion 3 -4 – Implementation, Evaluation and Adjustment		
Goal #1 Ensure that staff and volunteer time is focused on services that have been prioritized by PTLA	Central Administrative staff should review program case service statistics in general terms on a quarterly basis and review detailed case service statistics on an annual basis	Every Board meeting
	Central Administrative staff should support the use of annual work plans by offices, projects, or individual staff	Draft plan done for 2012 & will be reviewed by Board Program Committee
	Central Administrative staff should conduct a periodic review of the distribution of services among counties to insure parity relative to the percent of poverty population in each county	Central should review in December and June and share results
	Central Administrative staff should review outcome measures as needed for specific funders	As needed for specific funders
	Central Administrative staff should review outcome measures for the program as a whole	When prioritized by the Board and program
	Include an assessment of staff work on priority areas as part of the regular employee evaluation	When evaluations are done
	Include training on program priorities and the balance of work responsibilities to all new staff	When new staff training occurs
	Evaluate use of limited time retainers (e.g., limiting services to new clients in certain areas based on estimated hours available to complete work) and other methods of limited representation by PTLA and VLP attorneys	When prioritized by the Board and program
Goal #2: Ensure that the program has some capacity to respond to pressing legal needs that emerge during the year	Board members and Pine Tree staff should be attentive to non-traditional and emerging legal needs requiring a diversion of program resources and request action to address those needs	Ongoing

	The Board and staff should use programwide or local office or project workplans to modify or augment the Statement of Priorities in order to divert program resources to address a new area of need	As needed
	Central Administrative staff should identify and pursue funding opportunities that can increase staff resources to address these needs.	Ongoing
PERFORMANCE AREA TWO: EFFECTIVENESS IN IDENTIFYING THE MOST PRESSING CIVIL LEGAL NEEDS OF LOW-INCOME MAINERS AND TARGETING RESOURCES TO MEET THOSE NEEDS		
Criterion 1 - Dignity and sensitivity		
Heighten awareness of serving clients with dignity and sensitivity	Involve client board members in developing and delivering new staff training in this area	When prioritized by the Board and program
	Include a new component on client communication and support in initial staff and volunteer training	When new staff training occurs
	Provide ongoing refresher training to program staff on effective client communication and support	At the annual staff retreat and elsewhere as appropriate
Criterion 2 – Engagement with low-income population		
GOAL #1: Strengthen agency affiliations	Inventory existing outreach efforts to community agencies and encourage staff to expand these efforts	When prioritized by the Board and program
	Report on staff training at agencies, including subject matter of training and number of individuals trained	Annual report to LSC in March
	Improve agency representation on board (by better attendance or broader representation?)	When prioritized by the Board and program
GOAL #2: Strengthen involvement with local and statewide collaborations on low-income issues	Inventory existing staff involvement in collaborations with other providers, organizations or other stakeholders in Maine's civil justice system (and encourage staff to set aside ...% of time or X#hours/year to support this work)	When prioritized by the Board and program
	Continue to annually report on staff collaborations to the Board and program staff around the State	Annual report to Board and other funders

	Inventory existing board involvement in collaborations with other providers, organizations or other stakeholders in Maine's civil justice system (and encourage board members to include as part of their personal action plan for board involvement?)	When prioritized by the Board and program
	Invite Board members to report on collaborations at regularly scheduled board meetings (or to share information via email or on the Board website)	When prioritized by the Board and program
GOAL #3: Strengthen partnerships with low-income client groups	Periodically inventory existing staff involvement with low-income client groups and identify other groups appropriate for staff involvement;	When prioritized by the Board and program
	Encourage program staff to annually commit X# of hours to training and outreach to client groups	When prioritized by the Board and program
	Inventory and monitor effectiveness of onsite service to low-income clients at shelters and other relevant sites	When funders require or when prioritized by the Board and program
Criterion 3 – Access and utilization by low-income population		
GOAL #1: Improve intake system	Periodically evaluate each intake system in local offices and projects on the basis of number of clients served, potential access barriers based on disability, language or culture, ability to reach an advocate in a timely manner to discuss a potential legal problem, and client experience in being treated with dignity and respect, and adjust system as necessary;	When funders require or when prioritized by the Board and program
	Periodically evaluate potential for overlap between VLP and PTLA intake systems and adjust system to minimize these problems;	When funders require or when prioritized by the Board and program
	Continue statewide intake and referral conference	When funders require or when prioritized by the Board and program
GOAL #2: Explore expanded or alternative intake methods	Evaluate use of online intake after it is implemented within VLP, for possible expansion to other Pine Tree offices/projects	When funders require or when prioritized by the Board and program

	Request the inhouse Technology Team to periodically review potential use of "chat", email requests for help and other technology tools that could facilitate intake	When funders require or when prioritized by the Board and program
	Encourage local offices or projects to periodically experiment with providing intake outside normal business hours, including during lunch, evening or weekend	When funders require or when prioritized by the Board and program
GOAL #3: Reduce access barriers	Support network of offices (that are ADA compliant) around the State to provide local intake support and utilize funding to expand local staffing wherever possible;	Ongoing
	Continue to utilize multilingual voicemail, client education materials and interpreting services to facilitate legal services for individuals with limited English proficiency, who are Deaf or hard of hearing	Ongoing
GOAL #4: Expand family law resources	Continue and expand use of Courthouse clinics and self-help forms clinics around the State	Ongoing.
	Continue to use staff resources to serve as unpaid guardians ad litem for low-income children in contested family law cases when requested to do so by the local Court;	Ongoing
	Continue to work with funding partners to identify new programs that can fund legal services staff attorneys to handle family law representation for low-income individuals	Ongoing
PERFORMANCE AREA THREE: EFFECTIVENESS OF LEGAL REPRESENTATION AND OTHER PROGRAM ACTIVITIES		
Criterion 1 – Legal Representation		
GOAL #1: Legal Services will be delivered consistent with the standards governing this work	The program will prioritize expanding staff resources whenever possible to insure adequate legal representation in response to requests for legal assistance	Ongoing
	Training on Pine Tree intake protocols will be provided to new staff and as refresher training to existing staff (technology, manuals, etc.) to provide easy access to this information when a request for legal help is made	Ongoing

	Local supervisors will review case acceptance to insure appropriate decision making	Ongoing
	New staff will receive initial training and all staff will receive refresher training in standards of practice	Ongoing
	Local supervisors and the Litigation Director will conduct regular case reviews to insure compliance with the Standards of Practice	When prioritized by the Board or program
GOAL #2: Ensure adequacy of supervision and case oversight	The program will prioritize expanding staff resources whenever possible to insure adequacy of supervision and case oversight	Ongoing
	All supervisors will receive regular training and support in providing supervision and case oversight for their advocates;	Ongoing
	Supervisors will modify their caseloads in order to insure that they have sufficient time to provide supervision and case oversight (or Supervisors will set aside a minimum of Xhours/month for supervision and case oversight);	When prioritized by the Board or program
	Evaluations of supervisors will continue to include specific examination of their role in providing effective supervision and case oversight	Ongoing
GOAL #3: The quality of legal advocacy will take full advantage of existing capacity and resources within Pine Tree	All new Pine Tree staff will continue to be assigned a staff mentor to provide informal support and encouragement (and the program will require weekly discussions with the mentor during the first four weeks that the new staff works at Pine Tree?)	When prioritized by the Board or program
	The Litigation Director will maintain a list of program experts in various substantive and procedural law areas (which is also maintained on the staff website?)	When prioritized by the Board or program
	All new staff will continue to be trained in use of existing program resources and tools for high quality advocacy, including legal research tools, the staff website document library and other services or programs that may be developed in the future and refresher training will be provided to all staff on a regular basis	Ongoing, with additional effort to be prioritized by the Board or program

Criterion 2 – Private attorney involvement		
GOAL #1: Continue to develop capacity of the private bar to handle legal needs of low-income Maine residents	The program will prioritize expanding staff resources whenever possible to insure the ability to work with private attorneys and the MBF on these issues	Ongoing
	Monitor level and type of services being provided by private attorneys through the VLP, as well as information about the geographic location and nature of the practice of attorneys accepting VLP cases;	Ongoing although extra effort must be prioritized by the Board, MBF or program
	Approve the LSC Pro Bono Resolution and encourage other legal aid providers to take similar action	Accomplished
	Take an active role in partnering with the Maine Bar Foundation, Maine State Bar Association and other entities that are involved in support of pro bono activities in Maine (e.g., Pine Tree staff and Board members will actively participate in the MBF VLP Advisory Committee.)	Ongoing
GOAL #2: Insure the quality of legal services provided by pro bono attorneys	Increase use of private attorneys in services other than direct representation that will benefit low-income Mainers with civil legal needs, including client education events, technology services and other services	When prioritized by the Board, MBF or program
	The program will prioritize expanding staff resources whenever possible to insure the ability to work with private attorneys and the MBF on these issues	Ongoing
	Develop standards of practice for pro bono service by VLP attorneys	When prioritized by the Board, MBF or program
	Improve ability to identify problems among VLP attorney representation	When prioritized by the Board, MBF or program
	Increase access to free CLE for VLP attorneys, particularly in high need case types;	When prioritized by the Board, MBF or program

	Identify and utilize tools that promote realistic expectations of the VLP attorney-client relationship, including increased understanding of the challenges facing low-income clients by volunteer attorneys, and increased understanding of the challenges facing volunteer attorneys by low-income clients	When prioritized by the Board, MBF or program
Criterion 3- 4- Other program services to eligible client population and activities on behalf of eligible clients		
Insure that alternative approaches to legal services are considered where appropriate and used effectively	The program will periodically inventory alternative approaches to direct representation by staff or volunteer attorneys	When prioritized by the Board or program
	The program will conduct an evaluation of its existing client education materials, including both web-based and hard copy delivery methods, the format of client education materials and the extent to which low-income individuals are able to use them to achieve a fair outcome with their legal problem	When prioritized by the Board or program
	The program will explore ways in which volunteer mediators could provide an effective resource for low-income individuals with legal problems.	When prioritized by the Board or program
	The program will evaluate the use of co-counseling by private attorneys and PTLA attorneys	When prioritized by the Board or program
PERFORMANCE AREA FOUR: EFFECTIVENESS OF PINE TREE BOARD'S LEADERSHIP AND GOVERNANCE STRUCTURES		
Criterion 1 - Board governance		
GOAL #1: Increase board involvement in supporting the work and mission of Pine Tree Legal Assistance	Review time, location, length, frequency and format of board meetings and other activities requiring board participation to encourage maximum participation (allow board members to participate via telephone in board discussions?)	When prioritized by the Board
	Annually schedule informal brown-bag lunches with local staff around the State	Ongoing

	Involve Presque Isle and Machias office staff in annual presentations to the board via videoconference if there are no local board members from those areas	When prioritized by the Board
	Develop a new mentoring program for new board members that matches them with a more experienced board member	When prioritized by the Board
	Set aside a specific dollar amount in the program budget for board activities (outside reimbursement of low-income client members)	When prioritized by the Board
	The Board President will provide clear communication with new board members about expectations	As new members are recruited
	Continue to maintain a special Board section of the Pine Tree website with a master calendar for board activities, and other Committee and program reports	Ongoing
	Periodically evaluate the use of term limits for board members and officers	When prioritized by the Board
GOAL #2: Assess impact of board contributions to other (non-board meeting) PTLA functions	Continue to use the use of the in-kind hours contribution form to document the value of board contributions to Pine Tree functions	Ongoing
	Recognize board contributions outside board meetings as a factor in evaluating the effectiveness of individual board member participation in program activities;	Ongoing
GOAL #3: Identify obstacles to participation by client board members	Continue to provide reimbursement to client board members of mileage, childcare and other appropriate costs that can facilitate participation in board meetings	Ongoing
	Where appropriate, annually identify interested individuals who are interested in board service and help them identify sponsoring organizations	When prioritized by the Board
	Identify employers of low-wage workers who would encourage board membership and involvement and encourage them to support a representative to Pine Tree's board.	When prioritized by the Board

Criterion 2 - 5 Leadership, Program management and administration (including financial)		
Encourage strong program management and administration of program activities and staff and volunteer performance	Conduct annual evaluations of Executive Director and undertake a comprehensive evaluation every three years.	Ongoing
	Insure that all program staff receive evaluations every two years	Ongoing
	At a minimum, conduct annual visits to local field offices by Executive Director and/or other senior management	Ongoing
	Periodically change auditing firms to insure financial administration is conducted appropriately	Ongoing
	Utilize background checks and other recruitment tools to insure that well-qualified staff and volunteers are recruited to work at Pine Tree	Ongoing
	Test whether Pine Tree meets charity standards as established by Better Business Bureau "Wise Giving Alliance", Guidestar and emerging nonprofit standards	Ongoing
Criterion 6 - Internal communication		
Insure effective communication among staff and volunteers working at Pine Tree, regardless of office location or job duties	Support use of technology (including email, videoconferencing and similar tools) to promote appropriate communication about program services, legal developments and other aspects of high quality work;	Ongoing
	Inquire about the effectiveness of program communication as part of regular staff evaluations and during Board/staff interactions;	Ongoing
Criterion 7 - General resource development and maintenance		
Expand funding sources available to support legal services to low-income Maine residents	Regularly report to staff and the Board on Pine Tree staff efforts to identify and secure diverse funding, including federal, state and private sources;	Ongoing

	Periodically survey staff on impact of new funding requirements on the workload of local offices;	When prioritized by the Board or program
	Periodically identify funding that has been dropped or discontinued to assess the benefits and costs to clients, staff and the program's general reputation	When prioritized by the Board or program
Criterion 8 - 9 Coherent, comprehensive and integrated delivery structure		
Promote Pine Tree activities that will contribute to a comprehensive integrated system of civil legal services in Maine	Assess effectiveness of collaboration between MBF and PTLA for VLP	When prioritized by the Board or program
	Utilize technology (including listservs and websites) that will support increased understanding of available resources and gaps in service for low-income Mainers with civil legal needs	Ongoing
	Continue to encourage Board and staff involvement in activities of the Justice Action Group and other state planning bodies	Ongoing

**Pine Tree Legal Assistance
EMERGENCY SUCCESSION PLAN FOR EXECUTIVE DIRECTOR**

The following plan is intended to address program needs in the event of an unanticipated short-term vacancy in the position of Executive Director.

A. Determination: The President of the Board, in consultation with at least two Executive Committee members, will determine that there is a short-term vacancy in the Executive Director position, whether for the reason of illness, incapacity or other unanticipated or temporary reason.

B. Acting Executive Director: The President, in consultation with the Executive Committee, shall appoint a senior staff member to serve as Acting Executive Director. The President will first request that the Litigation Director become the Acting Executive Director. If the Litigation Director is unwilling or unable to assume the duties, the President will request the Fiscal Manager to serve in that role. If no internal candidate is available to serve as acting Executive Director, the President will appoint an interim Executive Director

C. Leadership Team: If the Executive Director will be unavailable for longer than a month, the President, with the help of the Central Administrative Assistant, will form and convene a Transition Team to assist the Acting Executive Director in the performance of his or her duties.

1. Composition: The Transition Team will consist of the following members:

- President, Board of Directors;
- Immediate Past President, Board of Directors;
- Litigation Director;
- 3 Regional Managing Attorneys with responsibilities for the Northern and Southern Offices as well as the Native American and Farmworker Units;
- Fiscal Officer;
- One client eligible Board member, if not already serving as the President or immediate Past President.
- Additional Board members, staff or consultants at the discretion of the President

If and when any of the above-named individuals becomes either Acting Executive Director or a candidate for the interim or permanent Executive Director, then that individual shall no longer be a member of the Transition Team and the President of the Board may appoint a replacement. If the President is unable to serve, then the Vice President will assume that role.

2. Staff: The Pine Tree Central Administrative Assistant will staff the Transition Team.

Board of Directors approved April 2010

3. Function: The Transition Team will advise the Acting Executive Director and the President and will assist with transition and management issues, including communications about the transition.

D. Immediate Management Issues: The Acting Executive Director with assistance from the Transition Team or others will:

1. Tend to any security issues, including signature authorizations, locks, codes, passwords, credit cards, and technology issues;
2. Develop and distribute an internal message regarding the transition;
3. Develop and distribute an external message regarding the transition for funders, private bar and Court leaders and other outside constituents;
4. Identify major deadlines and take the necessary action to meet those deadlines on behalf of the program, particularly for fundraising or reporting requirements of the program;
5. Assess the program's financial obligations and contracts to ensure accountability and to minimize the risk of fraud or financial error;
6. As necessary during the period, take action on contracts, personnel actions, or other programmatic functions in consultation with the Transition Team;
7. Keep the Board of Directors and staff informed of other transition plans, including the reassignment of the Acting Executive Director's previous work responsibilities and duties.

E. Search Committee: If the vacancy in the Executive Director position is not expected to be of a short-term nature, a special Search Committee will be appointed by the President. The Search Committee will be empowered to identify and recruit candidates for either an interim or permanent position as Executive Director.

Summary of Collective Bargaining Agreements (2011- 2014)

Since 1969, Pine Tree's paralegals have been organized in a bargaining unit that is affiliated with AFSCME; Pine Tree's attorneys unionized in 1979 in a bargaining unit that is affiliated with the UAW. Our current four-year collective bargaining agreements with both Unions ended on December 31, 2010.

Under the leadership of Negotiations Committee Chair Jon Reitman (who has served in this role since he joined the Board in 1983), the Board Committee and Union representatives from both bargaining units spent many hours developing new contracts with both unions, which were approved by the Board in September 2011.

Salary Provisions

- Staff wages were frozen for all of calendar 2011; in 2012, the current wage scale is increased by \$750 on July 1, creating a \$375 increase for staff by year end; staff remain frozen at their current step on the wage scale in both years;
- In 2013, staff begin to move up the wage scale on their anniversaries (with a traditional \$1,000 anniversary increase at that time); in addition, the overall wage scale will be increased by \$1,000 on July 1. A new step also will be added to the top of the wage scale;
- In 2014, the wage scale will increase by \$1,000 on January 1, a new step will be added to the top of the scale and staff will receive \$1,000 increases on their anniversaries

The net effect is an increase of \$4,750 in wages for all staff who remain employed at Pine Tree by the end of the fourth year of the contract. Attorney starting salaries will increase from \$43,000 to \$45,750 by 2014. Attorneys with 35+ years of experience at the top of the scale will receive \$80,750 by December 2014.

Insurance and other Benefits

Under the current contract, the employer pays for 100% of the premium costs of a high deductible health insurance plan and contributes \$2,500 towards the annual deductible (which is currently \$3,000 for singles, \$6,000 for families) each year. Staff who wanted to stay with a traditional HMO or PPO plan would receive \$2,500 towards the increased cost of the premium and or co-pays. Pine Tree also maintains a modest dental insurance plan for its staff.

Pine Tree also supports a \$20,000 Loan Repayment Assistance program for attorneys with law school debt, which is administered by the Maine Bar Foundation.

Pine Tree developed a voluntary severance package in consultation with the Unions which was offered to senior attorneys in January 2012. Two attorneys accepted this package.

Language Changes

The key language changes involve the following issues:

- We have agreed to the elimination of historic distinctions between “financially-supplemented” grant positions and general staff positions;
- The Union sought expansion of the program’s current parenting leave provisions, but the Board rejected that proposal;
- The Union accepted new language for good cause terminations based on a failure to meet grant deliverables or other workload expectations;
- The Union accepted the proposal to develop new language regarding expectations of attorneys who have been with the program for five or more years, including caseload and other work responsibilities as well as leadership potential;
- The Unions agree that staff who voluntarily leave the program would need to repay a *pro rata* share of funds advanced in January towards the employee’s high deductible;
- New limitations would apply to employees who seek to transfer when the new position requires special skills or where there are concerns about work performance, notwithstanding seniority protections.

Summary

At the time the contract was signed, Pine Tree had 57 employees on staff. If all 57 remained with Pine Tree for the entire four year period, the increased cost of the package over those four years would be \$786,000. (This compares with c. \$1.29 million in increased salary and benefit terms under the 2007 – 2010 contract.)

However, as of September 2012, only 53 people are on staff and further reductions are anticipated.

State of Maine

Certificate of Organization of a Corporation, under Title 13, Chapter 81 of the Revised Statutes, and Amendments thereto.

The undersigned, officers of a corporation duly organized at 193 State Street
in the City of Augusta, State of Maine, on the 14th day of
June A.D. 1966, hereby certify as follows:

The name of said corporation is Pine Tree Legal Assistance, Inc.

The purposes of said corporation are:

To provide for the furnishing of legal services and assistance to those people residing in the State of Maine who would not otherwise be able to afford the services of a lawyer, and to provide for the furnishing of legal services and assistance in all cases except those which would generate or involve a fee for a private attorney handling the case; and to do all things necessary, useful, or convenient for the establishment of a system of legal services and assistance within the State of Maine.

Notwithstanding anything herein to the contrary, the corporation shall exercise only such powers as are in furtherance of the exempt purposes of organization set forth in Section 501(c) of the Internal Revenue Code and its Regulations as the same now exist or as hereafter amended.

The corporation is not organized for profit, and no part of the net earnings of the corporation shall inure to the benefit of any private member or individual. In the event of liquidation or dissolution of the corporation, whether voluntary or involuntary, no member shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the corporation from any source, after the payment of all debts and obligations of the corporation, shall be used and distributed exclusively for purposes within those set forth above and within the intent of Section 501(c) of the Internal Revenue Code and its Regulations as the same now exist or as hereafter amended.

Said corporation is located in the City of Augusta County of Kennebec State of Maine.

The number of officers is 6 and their names are as follows:

President Seward B. Brewster

Vice-President William Jabine

Secretary Mrs. Elizabeth Street

Treasurer Mrs. Elizabeth Street

Directors ~~Mr. Brewster~~ Seward B. Brewster, William Jabine, Mrs. Elizabeth Street, John D. Arthur and John L. Merrill

Witness our hands this 14th day of June A.D. 1966

Seward B. Brewster President
Mrs. Elizabeth Street Treasurer

Seward B. Brewster
William Jabine
John D. Arthur

Directors

or

Trustees

PINE TREE LEGAL ASSISTANCE, INC.

BYLAWS

ARTICLE I - GENERAL

Section 1.01: Name: The name of the Corporation is **PINE TREE LEGAL ASSISTANCE, INC.**

Section 1.02: Offices: The principal office of the Corporation shall be at Portland, Maine. The Corporation may have offices at such other place or places within the State of Maine as the Board of Directors may from time to time appoint or the business of the Corporation may require.

Section 1.03: Fiscal Year: The fiscal year shall be as determined from time to time by vote of the Board of Directors.

ARTICLE II - PURPOSES

Section 2.01: Purposes: To provide for the furnishing of legal services and assistance to those people who would not otherwise be able to afford the services of a lawyer, and to provide for the furnishing of legal services and assistance in all cases except those prohibited by federal statute or administrative regulation and to do all things necessary, useful, or convenient for the establishment of a system of legal services and assistance within the State of Maine.

Notwithstanding anything herein to the contrary, the Corporation shall exercise only such powers as are in furtherance of the exempt purposes of organization set forth in section 501 (c) of the Internal Revenue Code and its Regulations as the same now exist or as hereafter amended.

The Corporation is not organized for profit, and no part of the net earnings of the Corporation shall inure to the benefit of any private member or individual. In the event of liquidation or dissolution of the Corporation, whether voluntary or involuntary, no member shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the Corporation from any source, after the payment of all debts and obligations of the Corporation, shall be used and distributed exclusively for the purposes within those set forth above and within the intent of section 501 (c) of the Internal Revenue Code and its Regulations as the same now exist or as hereafter amended.

ARTICLE III - MEMBERSHIP

Section 3.01: Membership: The membership shall consist of the Directors and all other interested persons within the State of Maine who shall have demonstrated such interest by attending the last Annual Meeting of the Corporation and who shall have signed a membership register at such meeting as well as such persons within the State of Maine who shall have given written notice of intent to become a member at least three (3) months prior to the Annual Meeting. Such written notice may be delivered to any office of the Corporation within the State of Maine.

Employees of Pine Tree Legal Assistance, Inc., may not serve as members of the Corporation. Former Pine Tree Legal Assistance, Inc., employees may become members of the Corporation upon the termination of their employment.

Section 3.02: Annual Meeting: The Annual Meeting of the Corporation shall be held in the month of September in each year at which time annual reports of activities shall be presented, new Attorney and Low-Income members shall be recognized, and At-Large Director(s) shall be elected. Written notice will be provided to all members of the Corporation fourteen (14) days prior to the Annual Meeting. Such notice will state the time, date, place, and agenda of the meeting. Notice of the Annual Meeting will be posted on the program website at www.ptla.org at least fourteen (14) days prior to the Annual Meeting.

ARTICLE IV - DIRECTORS

Section 4.01: Number: The number of Directors shall be determined by the Board of Directors from time to time, but shall not be fewer than twenty-one (21) nor more than twenty-eight (28). Composition of the Board of Directors shall be consistent with regulations promulgated by the Legal Services Corporation pursuant to 42 U.S.C. Section 2996 et seq.

Section 4.02: Duties: Except as otherwise provided by law, the business of the Corporation shall be managed by the Board of Directors who may exercise all the powers of the Corporation. Without restricting the generality of the foregoing, the Board of Directors shall have the following specific duties:

- (a) To manage and administer the affairs of the organization between meetings of the Corporation.
- (b) To create such committees as it deems expedient for the carrying out of the Corporation's purposes, including establishment of the composition and duties of all such committees.
- (c) To supervise the work of all committees.
- (d) To employ such persons as it may deem necessary for the successful prosecution of the objects of the Corporation.
- (e) To give a full and complete report of its activities at the Annual Meeting of the Corporation.
- (f) To recommend to the Members such Bylaws for the government of the Corporation as may be consistent with its purposes and designated to carry out its objects.

Section 4.03: Selection:

(a) **Client Representatives:** At least six (6) but no more than nine (9) of the Directors shall be representatives of Low-Income Organizations operating within the State of Maine and must be low-income

persons as defined by the Corporation standard of eligibility (hereinafter "Client Representatives.") Each year the Board of Directors shall designate eligible Low-Income Organizations to appoint Client Representatives to the Board. The governing body of each Low-Income Organization shall certify that the individual appointed to the Board meets the Corporation's client eligibility standards.

The Board of Directors shall ensure that Low-Income Organizations appointing Client Representatives to the Board are organizations that demonstrate:

- (1) that their purposes and goals are consistent with those of the Corporation;
- (2) that they represent a significant constituency and have an active membership; and
- (3) that they have a recognizable organizational structure and active governing body.

The Board of Directors will strive to ensure broad representation of low-income persons throughout the State of Maine when designating Low-Income Organizations to make Client Representative appointments. The Board of Directors may designate the same Low-Income Organization in consecutive years, and for any number of years, provided the standards of this section are satisfied.

(b) **Attorney Directors.** At least thirteen (13) but no more than nineteen (19) of the Directors shall be lawyers admitted within the State of Maine (hereinafter "Attorney Representatives."). Sixty (60) days prior to the Annual Meeting, nominations for Attorney Representatives shall be solicited from appropriate bar associations and other groups including, but not limited to, law schools, civil rights or anti-poverty organizations, and organizations of eligible clients.

A majority of the Attorney Representatives must be appointed by the Board of Governors of the Maine State Bar Association. The Directors so appointed may be from the list of Nominees.

When appointing Attorney Directors, the Board of Governors shall ensure that the Directors are committed to the purposes of the Corporation and eligible under Section 4.13 of these Bylaws.

The Board of Governors shall ensure that the Attorney Directors include women and members of minorities served by the Corporation if such minorities are available and willing to serve, and shall ensure that the Attorney Directors reasonably reflect the population of the areas served.

(c) **At-Large Directors:** One (1) Director shall be elected At-Large with nominations being received from the membership at the Annual Meeting or prior thereto by letter to the Corporation from any individual or organization within the State of Maine.

(d) **Emeritus Directors:** The Directors may elect one or more emeritus directors to serve on the Board without term. Emeritus directors may be chosen from among retiring directors or those no longer eligible to serve as a regular Board member. Selection is to be based on length of service, quality or quantity of contribution to Pine Tree over a substantial period of time, or such other standards or

qualifications as the Board may from time to time choose to apply. Emeritus directors will be ineligible to vote or hold office, and will not ordinarily be expected to serve on any Board committees. Emeritus directors may be appointed by a vote of the directors present at the annual meeting or at any regularly convened meeting of the Board. To the extent an emeritus director would be eligible for reimbursement of expenses were he or she a sitting director, he or she will be eligible as an emeritus director.

(e) **Reappointment:** The President, in conjunction with any committee established to oversee the nominating process, will evaluate each Director's participation on behalf of the Corporation, including but not limited to attendance at Board meetings, and may comment to the organization that appointed the Director regarding the Director's suitability for reappointment.

Section 4.04: Terms: Directors shall serve terms of two years in length. Half of the Directors shall serve terms expiring at the Annual Meeting in even-numbered years, and half of the Directors shall serve terms expiring at the Annual Meeting in odd-numbered years. Each Director shall be appointed or elected to serve until his or her successors are appointed or elected and are qualified.

Section 4.05: Annual Meetings: The newly formed Board of Directors shall meet directly following the adjournment of the Annual Meeting of the Corporation. Written notice of this meeting shall be provided to all Board members and to the public at large at the same time. That notice will state the time, date, place, and agenda for the meeting. Notwithstanding the above, the newly-formed Board of Directors may vote not to hold its first meeting at this time but may instead set a date for the first meeting. In such event, notice will be provided as set out in Section 4.06.

Section 4.06: Meetings: The Board of Directors shall meet at least four (4) times each year. Meetings of the Board of Directors, other than the Annual Meeting, may be called by the President on fourteen (14) days written notice to each Director. Such notice will state the time, date, place, and agenda for the meeting. Ten (10) Directors may call or give notice of special meetings over their own signature. Notice of all Board meetings will be published in a newspaper and posted in other prominent places.

Section 4.07: Place of Meetings: The Directors may hold their meetings and have an office or offices to keep the books of the Corporation in the municipality in which the Corporation is located or at such other place or places within the State of Maine as they may from time to time determine.

Section 4.08: Quorum: Except as may be otherwise specifically provided by statute, attendance by at least ten (10) Directors shall constitute a quorum at all meetings for the transaction of business.

Section 4.09: Resignation: Any Director may resign by giving written notice to the President or Secretary. Such resignation shall take effect at the time or upon the event specified therein, or, if none is specified, upon receipt. Unless otherwise specified in the resignation, its acceptance shall not be necessary to make it effective. If at any time the President reasonably believes that a Board member is no longer residing in the State of Maine, the President shall deem that the member has resigned, thereby creating a vacancy. If at any time prior to the filling of said vacancy, the individual appears before the Board to dispute the President's decision, then the Board may review the decision.

Section 4.10: Vacancies: If the office of an At-Large Director becomes vacant, the Board of Directors may elect a new Director to fill out the unexpired term of the former Director. If the office of a Low-Income Director becomes vacant, the Board of Directors may designate a Low-Income Organization (which demonstrates the criteria set forth in Section 4.03) to appoint a new Director to fill out the unexpired term of the former Director. If the office of an Attorney Director becomes vacant, the Board of Governors of the Maine State Bar Association (or other appointing organization) may appoint a new Director to fill out the unexpired term of the former Director. Notice shall be given seeking nominees to fill an At-Large Director vacancy. A majority vote of the Directors present at a regular or special meeting shall be necessary for the election of a new At-Large Director.

Section 4.11: Removal: Any Director may be removed at a special meeting of the Directors called for that purpose by the affirmative vote of two-thirds (2/3) of the Directors then serving. No Director shall be removed except for just and sufficient cause.

Section 4.12: Attendance: Directors are expected to maintain regular attendance at Board and Committee meetings.

Section 4.13: Application for Position: Any Board member who applies for a position at Pine Tree Legal Assistance, Inc., must resign from the Board on or before the submission of an application.

Section 4.14: Conflicts of Interest: No Board members shall use any resources or facilities of Pine Tree Legal Assistance, Inc., for his/her personal benefit. Nothing in this Bylaw shall limit provision of legal services to Board members who are eligible clients.

ARTICLE V - OFFICERS

Section 5.01: Officers: The Officers of the Corporation shall consist of a President, one or more Vice-Presidents, a Secretary, a Treasurer, and such other officers with such other titles as the Board of Directors may determine.

The President and other officers shall be members of the Board of Directors.

Section 5.02: Duties: The Board of Directors shall prescribe the duties of the Officers of the Corporation and the manner of executing deeds, contracts, and other instruments and performing the acts and orders of the Board of Directors and the powers of officers and agents in respect thereof, except as any power may be exclusively vested in a particular office or the manner of execution defined, by these Bylaws or by law.

Section 5.03: Election: All officers shall be elected by the Board of Directors at the first meeting of the Board of Directors following the Annual Meeting of the Corporation.

Section 5.04: Term of Office: The Officers of the Corporation shall hold office for terms of one

year in length and shall continue to serve until their successors are duly elected and qualified.

Section 5.05: President: The President shall preside at all meetings of the Corporation and the Board of Directors. The President shall appoint and serve ex-officio on all committees. The President shall call special meetings of the Corporation or Board of Directors, pursuant to Section 4.06, or upon the written request of ten (10) members of the Board of Directors.

Section 5.06: Vice-President: The Vice-President, or if there is more than one, the Vice-Presidents, shall perform such duties on behalf of the Corporation as may be respectively designated to the Vice President or Vice-Presidents from time to time by the Board of Directors or the President.

Section 5.07: Secretary: The Secretary shall provide for the keeping of the minutes of the meetings of the Corporation and the Board and related records and documents of the Corporation.

Section 5.08: Treasurer: The Treasurer shall monitor the receipt, collection and payment of all monies subject to the order of the Board of Directors. The Treasurer shall provide for a correct account in detail of all monies received and expended by the Corporation and shall render a report in writing at the Annual Meeting. The Treasurer shall have authority, in connection with the normal business of the Corporation, to sign contracts, bids, bonds, powers of attorney, and other documents when required. An auditor shall audit all bills and accounts of the Treasurer and report in writing whether they are correct. The acceptance of the auditor's report carries with it the acceptance of the Treasurer's report.

Section 5.09: Resignation: Any Officer may resign by giving written notice to the President or Secretary. Such resignation shall take effect at the time or upon the event specified therein, or, if none is specified, upon receipt. Unless otherwise specified in the resignation, its acceptance shall not be necessary to make it effective.

Section 5.10: Removal: Any Officer may be removed at a special meeting of the Directors called expressly for that purpose by the affirmative vote of two-thirds (2/3) of the Directors then serving. No director shall be removed except for just and sufficient cause.

Section 5.11: Vacancies: If any office becomes vacant, the Board of Directors, by a majority vote, may choose a successor or successors who shall hold office for the unexpired term(s) for which such vacancy or vacancies occur subject, however, to the right or removal provided for in Section 5.10.

Section 5.12: Executive Committee: There shall be an Executive Committee of the Board, comprised of the President, the Vice-President, the Secretary, the Treasurer, the immediate past President, and three (3) other members appointed by the President. This committee shall be constituted annually subsequently to the Annual Meeting. There shall be at least two (2) attorney and two (2) client members of the Executive Committee.

Section 5.13 Other Committees. The Board of Directors may designate, at any meeting of the

Corporation, two or more directors to constitute standing or *ad hoc* committees of the Board. Such Committees shall have such functions and may exercise such power of the Board of Directors as can be lawfully delegated and as provided in the resolution or resolutions creating such Committee or Committees. Unless otherwise determined by the Board of Directors, Committee Chair and members of committees shall be appointed by the President and may include individuals who are not currently serving on the Board of Directors. The creation of such Committee or Committees shall not operate to relieve the Board of Directors, any individual director, or the officers of any responsibility imposed on such persons by law.

ARTICLE VI - VOTES AND AMENDMENTS

Section 6.01: Amendment: Bylaws may be amended or repealed at any meeting of the Board of Directors by two-thirds (2/3) vote of the Directors present if notice of the proposed amendment or repeal is given by mail to each Director at least fourteen (14) days before the meeting at which action is to be taken.

Section 6.02: Voting Procedures:

(a) A motion made at a regularly convened meeting of the Board may be passed by a majority vote of Directors present and voting, unless, otherwise set forth in these Bylaws.

(b) Upon motion, and approval by a majority vote of Directors present and voting at a regularly convened meeting, the Directors may authorize subsequent specific action by majority vote of the Executive Committee which vote shall be binding upon the Board and shall be reported at the next regularly scheduled meeting of the Board.

(c) In a situation where the President deems immediate action is necessary, the Executive Committee may be convened or may meet by a conference telephone, and may, by two-thirds (2/3) vote, take any appropriate action. In such a circumstance, a full Board meeting shall be convened as soon as possible thereafter, and the action of the Executive Committee shall be deemed ratified unless the full Board shall reverse the Committee's decision by a two-thirds (2/3) or more vote of the Directors present and voting.

(d) Directors, the Executive Committee, and any other committee designated by the Board may participate in a meeting by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other and participation by such means shall constitute presence at a meeting.

(e) Any action which may be taken at any meeting of the Directors, Executive Committee, and any other committee designated by the Board, may be taken without a meeting if all the Directors, or all members of the committee, as the case may be, consent to the action in writing and the written consents are filed with the records of the meetings of the Board of Directors, or said committee. Such consents shall be treated for all purposes as a vote at a meeting.

ARTICLE VII - INDEMNIFICATION

Section 7.01: Indemnification:

(a) The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Corporation), by reason of the fact that the person is or was a director, officer, employee, or agent of the Corporation, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by the person in connection with such action, suit, or proceeding if the person acted in good faith and in a manner the person reasonably believed to be in the best interests of the Corporation and, with respect to any criminal action, suit, or proceeding had no reasonable cause to believe the person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, or conviction, or upon a plea of nolo contendere or its equivalent, shall not of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Corporation and, with respect to any criminal action, or proceeding had reasonable cause to believe that the person's conduct was unlawful.

(b) The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Corporation to procure a judgment in its favor, by reason of the fact that the person is or was a director, officer, employee or agent of the Corporation, against expenses (including attorneys' fees) actually and reasonably incurred by the person in connection with the defense or settlement of such action or suit if the person acted in good faith and in a manner the person reasonably believed to be in the best interests of the Corporation, except that no indemnification shall be made in respect to any claim, issue, or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of the person's duty to the Corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper.

(c) To the extent that a director, officer, employee, or agent of the Corporation has been successful on the merits or otherwise in the defense of any action, suit, or proceeding referred to in paragraphs (a) and (b) of this section or in the defense of any claim, issue, or matter therein, the person shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by the person in connection therewith.

(d) Any indemnification under paragraphs (a) and (b) of this section (unless ordered by a court) shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee, or agent is proper in the circumstances because the person has met the applicable standard of conduct set forth in paragraphs (a) and (b) of this section, respectively. Such determination shall be made (1) by the Board by a majority vote of a quorum consisting of directors eligible to vote who were not parties to such action, suit, or proceeding, or (2) if such quorum is

not obtainable or, even if obtainable, a quorum of disinterested directors so directs, by independent legal counsel in a written opinion.

(e) Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by the Corporation in advance of the final disposition of such action, suit, or proceeding as authorized by the Board in any case upon receipt of an undertaking by or on behalf of the director, officer, employee, or agent to repay such amount unless it shall ultimately be determined that the person is entitled to be indemnified by the Corporation as authorized in this section.

(f) The indemnification provided by this section shall not be deemed exclusive of any other rights to which a person seeking indemnification may be entitled under any bylaw, agreement, or vote of disinterested directors or otherwise, both as to action in the person's official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such a person.

Revisions approved by the Board of Directors - October 30, 1990

Amendments approved to §4.10 and §5.14 by the Board of Directors - April 24, 1991

Amendments approved to §4.03(a) and §4.12 by the Board of Directors - November 7, 1991

Amendment approved to § 5.14 by the Board of Directors -October 25, 1994

Amendments approved to §4.03(b) and (d) by the Board of Directors - Sept. 24, 1996

Amendment approved to §5.04 by the Board of Directors -July 14, 1999

Amendments approved to §4.02(b), §4.03(e), §4.04, §4.10, §4.11, §4.12, §5.04, §5.07, §5.08, §5.13, §5.14, §5.15 and §7.01(a) through (f) by the Board of Directors on September 21, 2000.

Amendments approved to §4.01, §4.03(a) and §4.03(b) by the Board of Directors on June 8, 2005

Amendment approved to §5.12 by the Board of Directors on April 9, 2008

Amendments approved to §3.02), §4.01, §4.03(a), §4.03(b) and §5.13 by the Board of Directors on February 8, 2012

Key roles in fund development: board, board member, board committee, staff

Role of the Board

The board is legally and morally accountable (e.g., liable!) for the health of the organization. A key accountability is to assure fiscal health. The board cannot delegate its accountability to any other entity, staff or committee.

1. Define organizational direction and purposes for raising charitable contributions.
2. Set short- and long-term goals. Adopt the fund development plan to meet these goals. (The strategic fund development plan is adopted at the time of budget adoption. It's an advantage to assign Board member accountabilities in the plan prior to adoption.)
3. Set policies related to fund development including recognition and gift acceptance.
4. Review results; discuss progress, trends and implications.
5. Identify and discuss internal strengths and weaknesses and external opportunities and threats.

Role of the individual Board member

The individual board member serves as part of the group that is the board. As an individual within the group, each board member must participate in discussion and decision-making within the areas of governance. As an individual volunteer, each board member must help with fund development in some manner.

1. Commit to and carry out specific activities in the fund development plan – and be accountable for what you said you would do.
2. Identify and cultivate the predisposed.
3. Cultivate donors and prospects. Help solicit as appropriate.
4. Watch what is happening at your organization and in the community. Share your observations, ask questions, and help the organization wrestle with issues and make good decisions.
5. Give your own personal gift – to the best of personal ability – at the start of each year's fund development program. If the organization is conducting a capital campaign, give a gift to that campaign also.

Role of the Development Committee

In summary, the development committee is responsible for (along with staff) institutionalizing the process of fund development within the board. The development committee functions as a group. Its individual members have responsibilities outside of committee operations, e.g., give an individual gift and help carry out specific tasks.

1. Review results; discuss progress, trends and implications.

2. Identify strategic issues for Board discussion and action. Facilitate Board discussion and decision-making.
3. Identify and discuss internal strengths and weaknesses and external opportunities and threats.
4. As appropriate, recommend action for Board adoption. Or present well thought out alternatives for Board discussion and action.
5. Propose goals and directions throughout the year (while implementing current plan) to include in subsequent year's plan.
6. Through the fund development planning process, test proposed goals, adjust and refer to Finance Committee.
7. Review staff-drafted plan. Discuss and adjust. Recruit every Board member to participate in the plan in some way.
8. Recommend the plan to the Board for adoption.

Role of the staff In summary:

1. Lead and enable the volunteers. (See explanation of this concept in the book *Strategic Development: Building Profitable Relationships That Last* by Simone P. Joyaux, ACFRE.)
2. Be familiar with and understand the body of knowledge and best practice in fund development. Educate and guide the Board accordingly.
3. Manage and coordinate all fund development activities.
4. Develop and maintain gift management systems, acknowledgment and recognition ; etc.
5. Develop progress reports, analyze trends and implications. Assure that the development committee and board have adequate, appropriate and timely information to make quality decisions.
6. Draft materials and provide resources for the fund development process. Provide training and coaching for volunteers.
7. Review results; discuss progress, trends and implications.
8. Identify strategic issues for Board discussion and action. Facilitate Board discussion and decision-making. As appropriate, recommend action for Board adoption. Or present well thought out alternatives for Board discussion and action.
9. Identify and discuss internal strengths and weaknesses, external opportunities and threats.
10. Propose goals and directions throughout the year (while implementing current plan) to include in subsequent year's plan.
11. Through the fund development planning process, test proposed goals and refer to Finance Committee for budget adjustment.
12. Draft plans for review by appropriate individuals and groups.
13. Chief development officer and chief executive officer are also expected to give an annual gift to the best of personal ability, and to give to any capital campaign.
14. See job description for chief development officer in Joyaux' book, *Strategic Fund Development: Building Profitable Relationships That Last* and on website.

Comparison of Gift Programs

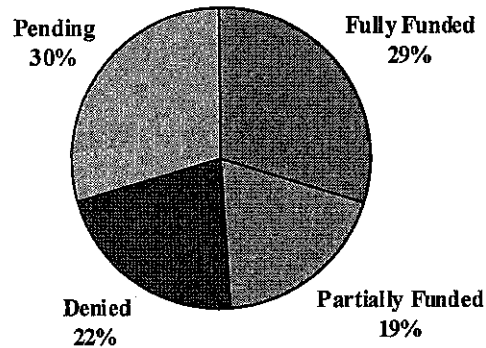
Annual	Major	Capital	Planned
<p>Description</p> <ul style="list-style-type: none"> • Purpose: operating support • Gifts from: income • Donors: thousands • Timetable: every year and even multiple appeals <p>Advantages</p> <ul style="list-style-type: none"> • Builds awareness of needs and institution • Identifies best supporters • Engages the most volunteers • Identifies potential leaders <p>Disadvantages</p> <ul style="list-style-type: none"> • Time needed staff/volunteers • Most upfront & ongoing costs • Risk of volunteer burnout • Risk of donor burnout <p>Requisites for Sustaining</p> <ul style="list-style-type: none"> • Clearly articulated need • Clear donor knowledge of gift use and impact • Constant engagement of new volunteers • Stewardship plan • Constant "post-purchase" marketing • Cultivation of increasing gift commitments • Expanding pool of givers 	<p>Description</p> <ul style="list-style-type: none"> • Purpose: program support • Gifts from: income & assets • Donors: 1 to 5 • Timetable: 0 to 2 years <p>Advantages</p> <ul style="list-style-type: none"> • Can be very cost effective • Increases number of legacy givers • Builds better pool for capital campaigns • High personal satisfaction for donors and cultivators <p>Disadvantages</p> <ul style="list-style-type: none"> • Time intensive • Longer fruition time <p>Requisites for Success</p> <ul style="list-style-type: none"> • Strategic plan • Five-year pro forma • Time of institutional head & board members • Individual plan of action • Clearly articulated proposal • Patience 	<p>Description</p> <ul style="list-style-type: none"> • Purpose: bricks & mortar and endowment • Gifts from: assets (& estates) • Donors: hundreds • Timetable: 12 to 24 months <p>Advantages</p> <ul style="list-style-type: none"> • Invigorates internal analysis of everything • Top leadership attracted • Develops institution's fund-raising capacity • Increases all other giving • Can be very cost-effective <p>Disadvantages</p> <ul style="list-style-type: none"> • Intensive nature requires significant leadership time • Have immediate upfront costs in assessment/staff/counsel <p>Requisites for Success</p> <ul style="list-style-type: none"> • Clear & compelling mission and case for support • Strategic plan & five-year pro forma • Successful annual giving program • Large enough pool of engaged top gift prospects • Engaged, respected and committed leaders • Unanimous internal support 	<p>Description</p> <ul style="list-style-type: none"> • Purpose: donor driven but goal is financial stability • Gifts from: estate (& assets) • Donors: one • Timetable: Donor's <p>Advantages</p> <ul style="list-style-type: none"> • Builds financial stability • Raises stature of the cause and institution • Increases life-time gifts • Recognizes our best friends • Costs are mostly in time <p>Disadvantages</p> <ul style="list-style-type: none"> • Substantial gift realization usually in distant future <p>Requisites for Success</p> <ul style="list-style-type: none"> • Engaged donors who have been well stewarded • Individual plan of action • Committee of people-oriented volunteer "solicitors" who have made a planned gift to the institution

A Review of Pine Tree's Fundraising Activities in 2011

I. Grant Writing

In 2011, Pine Tree wrote 37 grants totaling \$2,923,385:

- 58% were funded, totaling **\$713,680**
- The average grant award was \$94,982

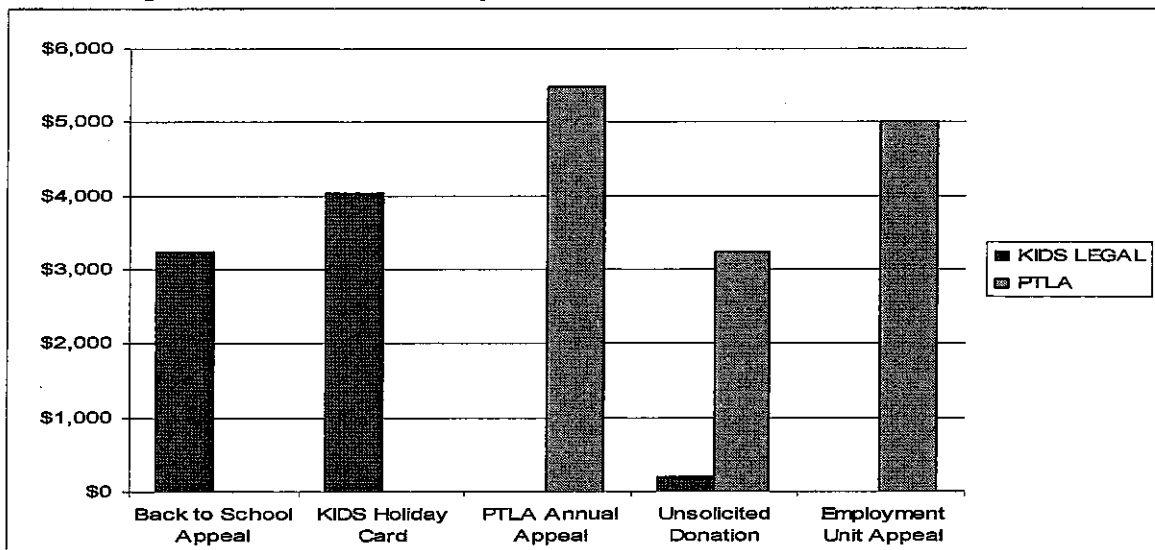


II. Fundraising from Individuals

Pine Tree mailed 4 appeal letters to non-attorney donors

- KIDS LEGAL "Back to School" Appeal – September
- Pine Tree Legal Assistance Annual/Thanksgiving Appeal – November
- Pine Tree Legal Assistance's Employment Unit Appeal – November
- KIDS LEGAL Holiday Card – December

43 donors gave 46 donations totaling \$21,127



Creating the most effective fund development program for your organization

The most effective fund development is carefully integrated into the full system and operations of an organization. Whether you are conducting a capital campaign, annual giving, or some other fund development, the process is, essentially, the same.

Fund development is not a separate and independent activity that can be pulled out whenever there is need, focused on by only a few, and ignored the rest of the time. Instead, fund development is an ongoing, rewarding (but invasive) process that engages all staff and every board member in some way.

Fund development affects everything the organization does, from board and staff recruitment to patron service to communications. (However, this does not mean that the only qualification for board membership is the ability to raise money!)

Effective fund development produces more than money. Indeed, effective organizations understand that fund development goals include more than money. Goals include things like: building stronger relationships; helping Board members feel comfortable with fund development; understanding the interests of patrons so the organization can ask for a gift; and so forth.

With this orientation in mind, many organizations find they need to go through a philosophical and practical change process to be able to understand and accommodate fund development. For instance, your organization may need to develop a culture of philanthropy and an understanding of fund development and best practice.

No matter what you want to raise money for, you must pay attention to process. By process, I mean addressing fund development and organizational development issues, one system. The process requires a commitment of time and energy on the part of the organization's staff and volunteers. Direct participation (asking questions, discussing, deciding) of key leadership is essential to build understanding and ownership.

Key steps in fund development planning, implementation and feasibility testing include:

- 1. Fostering a culture of philanthropy within the organization**
 - a) Assuring that everyone throughout the organization values philanthropy and donors
 - b) Using systems thinking
 - c) Understanding that most fund development problems are not fund development programs but actually are organizational development challenges
- 2. Identifying potential funding sources**
 - a) Examining the charitable contributions marketplace in to address such issues as:
 - level of congestion in fund development
 - issues and organizations receiving donor focus
 - strategies that have been effective reaching donors
 - opportunities for networking with other philanthropic organizations and donors
 - b) Identifying current constituents (e.g., volunteers, referral sources, clients, etc.) and getting to know them well enough to evaluate if they are potential donors
 - c) Identifying those who might be predisposed to your cause and getting to know them well enough to determine if they might be cultivated into constituents and then donors

3. **Developing the relationship with potential funders/donors**
 - a) Developing an ongoing process to get to know prospects
 - b) Understanding their giving interests, disinterests, motivations and aspirations
 - c) Identifying the value match between your organization and the prospect
 - d) Developing communications and cultivation strategies to build the relationship
 - e) Building mutual understanding and commitment
 - f) Providing adequate and appropriate acknowledgment and recognition for donors
4. **Positioning your organization within the philanthropic marketplace**
 - a) Determining what constituents, community leaders and those predisposed to your cause think of organization (Much of this is done through the strategic planning process.)
 - b) Identifying interests, disinterests, motivations and aspirations of prospective donors and determining if there is a value match with your
 - c) Identifying optimum ways to communicate and cultivate relationships
5. **Organizing to do the fund development work**
 - a) Outlining the values, ethics and standards for fund development at your organization
 - b) Defining the fund development functions, competencies and skills necessary to carry out fund development, and the appropriate structure for optimum performance
 - c) Defining roles of your organization staff, the Board as a group and its individual members and other possible volunteers
 - d) Identifying training needs for volunteers and staff and developing appropriate materials
 - e) Developing the fund development plan
6. **Maximizing the return on investment through the best use of solicitation strategies**
 - a) Determining the appropriate solicitation process, request and solicitor for each prospect
 - b) Evaluating interest, readiness and capacity of prospective donors
 - c) Estimating the dollars that might be generated, the cost to do so, and preparing the budget
 - d) Using the skills and contacts of board members and staff
7. **Implementation**
 - a) Developing solicitation materials, e.g., case statement, gift transmittal mechanism
 - b) Asking for the gift and securing the answer
 - c) Monitoring progress, identifying challenges and intervening
 - d) Evaluating productivity and return on investment
8. **Evaluation**
 - a) Establishing criteria to measure return on investment and evaluating results
 - b) Compiling participation rates, e.g., acquisition, attrition, retention; calculating gift upgrades and average gift size. Determining cost to raise a \$, cost effectiveness and return on investment.
 - c) Determining trends and analyzing implications

Fund development is a profession with a documented body of knowledge, best practice, ongoing research, ethical codes, and certification for its practitioners. The most effective fund development requires professional leadership – on staff or through consulting – supported by excellent administrative and clerical resources.

The most effective professionals use the body of knowledge and best practice, personalizing these to the organization. The most effective professionals are much more than great fund-raising technicians. The best development professionals are, first and foremost, organizational development specialists. These individuals know how to make an organization work and what causes dysfunction. In addition to fund development, these professionals are experts in strategic planning, governance and management, enabling of volunteers, and many other areas within the not-for-profit sector

Pine Tree at 45: Making Justice Happen One Client at a Time

Executive Director Nan Heald and Board President William Knowles, Esq.

On July 19, 1967, Pine Tree Legal Assistance opened its doors for the first time to Maine residents who lacked the resources to hire private counsel for their civil legal problems. This summer, that 45 year tradition of high quality service will be celebrated with a full week of open houses in the six communities where Pine Tree currently has offices, starting in Presque Isle on July 16 and ending in Portland on July 20. Current staff and Board members will be joined by alumni staff and Board, local legislators and other stakeholders in Maine's civil justice system in light-hearted and informal gatherings that both remember the past and look forward to a future in which "justice for all" is a reality.

The roots of legal aid programs such as Pine Tree track back to the very beginning of the legal profession when the privilege to practice law was tied to the obligation to provide *pro bono* legal assistance to those who cannot afford it. This English tradition was exported to the Americas and made part of the oath sworn by all newly admitted attorneys: Maine's version requires that we 'delay no man for lucre or malice.' However, the good work of lawyers who voluntarily donate their service to low-income individuals has never been sufficient to meet the need for free legal assistance.

Maine was a late-comer to more organized efforts to expand access to justice to those without funds. In Boston, New York and other metropolitan areas, staffed legal aid programs began to form in the late 19th century, supported with private funds. In Maine, the first such efforts began in 1927 in response to the growing volume of unrepresented litigants in the Portland Municipal Court in Cumberland County. Local lawyer Frank M. Cowan served as a recorder in that Court and those experiences prompted him to urge formation of a bar-sponsored legal aid clinic. He was finally successful in 1939 when the Cumberland County Bar Association launched a weekly clinic staffed by volunteer attorneys working from donated County office space near the Court. Much later, similar clinics formed in Androscoggin County and perhaps elsewhere in Maine. However, records suggest that most *pro bono* clinic clients received what we would now recognize as limited counsel rather than full representation and, then as now, much of the *pro bono* work was done by a relatively small group of lawyers.²

The American Bar Association began calling for the creation of staffed legal aid programs in 1920.³ However, a specific funding source was not identified until 1966 as part of the War on Poverty administered by the Office of Economic Opportunity. That summer, a group of Maine lawyers, led by utility lawyer Seward 'Pat' Brewster of Augusta, agreed to form a new nonprofit to seek that funding on behalf of the residents of Maine. Because OEO discouraged the use of State names in the formation of such programs, the State nickname was used in filing articles of incorporation on behalf of Pine Tree Legal Assistance. It appears to have been the first statewide legal aid program formed with OEO support.

At the urging of keynote speaker Judge Frank M. Coffin, the Maine State Bar Association voted to endorse and sponsor Pine Tree at their summer bar meeting in August of 1966.

The initial federal grant of roughly \$189,000 arrived in the winter and allowed Pine Tree to hire a staff of ten attorneys, rent office space around the State, and open its doors for the first time on July 19, 1967. The State Grange even offered 33 grange halls around the State for travelling staff attorneys to meet with local clients during the earliest years.

Accounts from that period confirm immediate and overwhelming client demand for services. Family law and collections work dominated the early caseload, but virtually any meritorious matter was accepted (other than fee-generating cases, which were barred by OEO.) Within a year, the program was forced to institute a waiting list for new clients. Eventually, the Pine Tree Board adopted case acceptance priorities to manage demand relative to staff capacity.

The early Executive Directors (especially Don Fontaine and Susan Calkins) and Board Presidents (including the late Lew Vafiades, Don Lowry, and Gerry Petrucelli) recognized that Pine Tree's limited staff resources had to be managed in a way that would benefit all people in Maine with low incomes. While continuing to handle a high volume of cases for Maine clients, that tradition has continued throughout the program's history.

Early program victories struck down Maine's vagrancy statute as unconstitutional⁵, established the right to court-appointed counsel in cases involving more than six months of jail time⁶, abolished debtors' prison⁷, defended the right to home school one's children⁸, and established the eligibility of military families to receive welfare benefits when one parent was deployed.⁹ Subsequent advocacy established the right to court-appointed counsel in child protective proceedings¹⁰, addressed conditions in the Maine State Prison and at the Pineland Center (which served adults with developmental disabilities), improved housing codes, addressed employment discrimination and accessibility for people with disabilities, litigated wage and hour violations on behalf of migrant farmworkers, and established federal recognition of Maine's four tribes.¹¹ More recent work has included enforcement of federal and state housing discrimination laws, the launch of KIDS LEGAL as Maine's first children's law project, and extensive foreclosure advocacy that led to a national halt to "robo-signing" in foreclosure proceedings¹².

Thanks to detailed record-keeping, we know that more than 30,000 Maine residents benefit each year from direct representation by Pine Tree staff and volunteers, suggesting that more than a million people have directly benefitted from Pine Tree's case work since 1967. The list of people who have benefitted from staff trainings, community education events and, especially, the program websites is far larger. Pine Tree was the first legal aid program in the country to include client education materials when its original website, www.ptla.org, launched in 1996. Over the past 16 years, the program has continued to expand its original site and added four nationally recognized websites for specific purposes (www.helpmelaw.org, www.vlp.org, www.kidslegal.org, and now www.statesidelegal.org). Each is recognized for the quality of information and user-friendly way in which state and federal laws are explained, the provision of interactive

court forms and documents, and the clear identification of referral resources. Last year, more than 2 million page views of Pine Tree website information were tracked.

In addition to the amazing legacy of case law developed by Pine Tree staff attorneys (and private attorneys volunteering with the program), Pine Tree's 45th anniversary also offers a chance to assess how a small nonprofit can shape an understanding of civil justice needs for the individuals who work or volunteer with it. More than 1,000 lawyers around the United States are part of the Pine Tree alumni network, including those who were introduced to public service as summer law students, VISTA volunteers, fellowship attorneys, staff or board members. They have gone on to serve as governors, federal and State court judges, leaders of the American Bar Association and local bar groups, legislators, law school deans and professors, and a myriad of other professions. We know that many of them still recall their first Pine Tree clients and the satisfaction of bringing justice to someone with little expectation of receiving it. Consistent with that tradition, the staff, volunteers and Board members who are affiliated with Pine Tree today are extraordinarily talented, dedicated individuals.

For an organization which has consistently received the highest praise from its funders and external sources, it is frustrating that funding levels have never served as a measure of that success. For instance, there were more staff working for Pine Tree in 1972 than there are in 2012.¹³ From a bird's eye perspective, one can see that Pine Tree's history as an organization is marked by a cycle of massive funding cuts (from one or more sources) roughly every 15 years, regardless of what was happening at Pine Tree in terms of client need or program successes. We are in the midst of such a downsizing at the present time, with an expected staff of 52 employees by mid-summer 2012, down almost 20% from 2009 levels.

For that reason, we are especially grateful to Maine lawyers who have been generous in their support of the Campaign for Justice, since that funding has remained steady. We hope that many of you will choose to celebrate our 45th anniversary with a special gift to the 2012 Campaign.

We also hope to follow the success of other legal aid programs in expanding private sources of support for our work, hopefully in time for Pine Tree's 50th anniversary in 2017. Wealthy summer residents who value their Maine homes may see an opportunity to help Mainers at risk of losing theirs; individuals who have gone through a costly divorce may better understand how important it can be to provide basic legal information to someone at the beginning of that process. We would love to think that this support could lead to permanent fellowships that ensure legal services in certain areas of Maine or for specific legal needs, helping to insulate our State from those fifteen year funding cycles.

In the meantime, 2012 offers a time to celebrate resilience and achievement by a small Maine nonprofit whose only mission is to help Maine people achieve justice. Please consider sharing your memories of Pine Tree via email to 45years@ptla.org, follow us on Facebook, and, if your schedule allows, attend the Pine Tree 45th celebration in your area

this July. Pine Tree's achievements reflect the hard work and support of Maine's lawyers and we hope that all of you will use this opportunity to celebrate with us this summer.

² Unpublished history "Pine Tree Legal Assistance: 1966 – 1973" by John Page, on file at Pine Tree headquarters in Portland.

³ "Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States," <http://www.clasp.org/admin/site/publications/files/0158.pdf>

⁵ Knowlton v. State of Maine, 257 A.2d 409 (Me 1969)

⁶ Newell v. State (1971)

⁷ Desmond v. Hachey, 315 F. Supp 328 (1970)

⁸ Squire v. Nickerson and Bainbridge v. Bean (Washington County Superior Court, 1971)

⁹ Stoddard v. Fisher 330 F.Supp. 566 (1971)

¹⁰ Danforth v. State Dept. of Health and Welfare 303 A.2d 794 Me. 1973.

¹¹ This work is described in more detail in "*Pine Tree Legal Assistance 1967 – 1992: 25 Years of Legal Service*", Volume 7 of the Maine Bar Journal (July 1992)

¹² "From This House, a National Foreclosure Freeze" New York Times October 15, 2010.

¹³ In 1972, Pine Tree had 57 employees working in Portland, Lewiston, Skowhegan, Bangor, Calais and Presque Isle. (Offices in Sanford and Rockland were closed in 1970.) In 2012, Pine Tree has 52 employees working in Portland, Lewiston, Augusta, Bangor, Machias and Presque Isle.

THE LEGAL SERVICE PROVIDERS

The responsibility for providing access to the courts and the administrative process for people without money who face serious civil legal problems is in the hands of private attorneys who generously give their time on a pro bono basis and with the staff of Maine's legal service providers.

PINE TREE LEGAL ASSISTANCE INC.
P.O. BOX 547, 88 FEDERAL ST., PORTLAND ME 04112
NAN HEALD, ESQ., EXECUTIVE DIRECTOR
WWW.PTLA.ORG • 207.774.4753

First established in 1966, Pine Tree is Maine's largest statewide provider of free legal services to low-income Mainers whose incomes are at or below 125% of the federal poverty guidelines. Today, Pine Tree maintains offices in Portland, Lewiston, Augusta, Bangor, Machias and Presque Isle, as well as special projects serving Farm Workers and Native Americans, and KIDS LEGAL. Thousands of people receive some form of legal help every year and most involved problems with housing, food, medical care and income maintenance, as well as protection for victims of domestic violence. Pine Tree has countered its limited staffing by developing user-friendly written materials on various legal topics including "The Rights of Tenants in Maine", many of which are now available to the general public on the Pine Tree webpage at www.ptla.org. Federal auditors for the Legal Services Corporation, Pine Tree's primary funding source, have concluded that Pine Tree is one of the best legal services programs in the country.

LEGAL SERVICES FOR THE ELDERLY
5 WABON ST., AUGUSTA MAINE 04330
JAYE MARTIN, ESQ., EXECUTIVE DIRECTOR
WWW.MAINELSE.ORG • 800.750.5353

Established in 1974, LSE's mission is to provide free, high quality legal services to Maine's socially and economically needy citizen's age 60 and over. Thousands of Maine seniors rely on LSE for representation, assistance and information on a broad range of legal problems and questions, including physical abuse and financial exploitation, nursing home eligibility and other long term care issues, consumer fraud, evictions, debt collection, powers of attorney, public benefits programs, Medicare, MaineCare and other health coverage matters. LSE has offices in Augusta, Bangor, Lewiston, Scarborough, and Presque Isle and provides state-wide service through its toll-free Helpline and its website, www.mainelse.org.

CUMBERLAND LEGAL AID CLINIC
UNIVERSITY OF MAINE LAW SCHOOL
246 DEERING AVENUE, PORTLAND, MAINE 04102
PROFESSOR DEIRDRE M. SMITH, CLINIC DIRECTOR

HTTP://MAINELAW.MAINE.EDU/COMMUNITY-SERVICE/CLAC.JSP • 207.780.4370

The University of Maine School of Law provides clinical education and public service through the Cumberland Legal Clinic. The Clinic provides free legal representation to low-income individuals with legal cases in York, Cumberland, Sagadahoc, and Androscoggin counties, and to incarcerated individuals throughout Maine. Clients are

represented by third year law students who are specially licensed by the Maine Supreme Judicial Court and U.S. District Court. The Clinic provides approximately half of each graduating class at the Law School with the opportunity to represent poor Mainers in court, benefiting hundreds of residents who would otherwise have been unable to obtain legal counsel.

MAINE VOLUNTEER LAWYERS PROJECT
88 FEDERAL STREET, P.O. BOX 547, PORTLAND, ME 04112
JULIET HOLMES-SMITH, DIRECTOR
WWW.VLP.ORG • 207.777.4348 • 800.442.4293

The Maine Volunteer Lawyers Project has opened the doors of justice for low-income people through the collaborative efforts of community and attorney volunteers since 1983. A joint project of the Maine Bar Foundation and Pine Tree Legal Assistance, VLP operates a volunteer-staffed statewide hotline providing information and assistance to thousands of people with civil legal problems every year, focusing on the areas of family and consumer law and income maintenance. Self-represented clients get advice and coaching through family law cases from attorneys and law students volunteering on VLP's Family Law Helpline. Hundreds of VLP clients are referred annually to private attorneys throughout the state for full *pro bono* representation and hundreds more receive limited representation through the Domestic Violence *Pro Bono* Panel. Nationally recognized for its innovative use of volunteers from the broader community as well as the legal profession, VLP has provided free legal services worth well over \$30 million to nearly 200,000 low-income Mainers over the past 25 years.

MAINE EQUAL JUSTICE PARTNERS
126 SEWALL STREET, AUGUSTA, ME 04330
SARA B. GAGNÉ-HOLMES, ESQ., EXECUTIVE DIRECTOR
WWW.MEJP.ORG • 207.626.7058 • 866.626.7059

Maine Equal Justice Partners' mission is to advance and protect public policies that assist Maine people to gain social and economic justice. In order to carry out its mission, MEJP focuses its work on issues that affect people's daily lives – access to adequate health care, food assistance, income supports, housing issues, fair working conditions, and higher education and training opportunities. MEJP represents those in economic need in class action lawsuits, in front of governmental agencies and through advocacy at the administrative and legislative levels. MEJP's work is on behalf of and informed by its primary client, the Maine Association of Interdependent Neighborhoods (MAIN), a statewide coalition of low-income individuals and groups.

IMMIGRANT LEGAL ADVOCACY PROJECT
P.O. BOX 17917, 309 CUMBERLAND AVE., SUITE 201
PORTLAND, ME 04112
BETH STICKNEY, ESQ., EXECUTIVE DIRECTOR
WWW.ILAPMAINE.ORG • 207.780.1593

ILAP is Maine's only nonprofit provider of immigration and related legal aid. ILAP's mission is to advocate for and to improve the status and well-being of Maine's low-income noncitizens and their families by providing affordable legal services, and by

educating and working with service providers, policy makers, and the public concerning legal issues unique to noncitizens. Founded in 1993 as a purely *pro bono* project, since 2000 ILAP has been an independent, staffed legal aid agency serving Mainers statewide. Annually, more than 2,000 individuals, originating from over 100 countries, benefit from ILAP's free and low-fee immigration services. Among these are education and outreach, consultations and referrals, extended *pro se* assistance, full representation and systemic advocacy. ILAP specializes in asylum, protection of noncitizen survivors of domestic violence, family unification, permanent residency, citizenship, and removal defense.

Y.A.C.S.*

ABA Commission on Legal Services: American Bar Association Commission dedicated to improving and supporting legal aid projects using the political and professional clout of the ABA working with NAIP and NLADA as appropriate.

BOB: Board of Overseers of the Bar: the disciplinary arm of the profession which administers the bar exam and licenses attorneys for practice in Maine.

CAPS: Community action Programs are local, federally funded social service agencies; some have legal services projects.

CLAC: Cumberland Legal Aid Clinic is based at the Law School in Portland and provides civil and criminal law services for low income residents of Androscoggin, Cumberland, Sagadahoc, and York counties.

ILAP: Immigrant Legal Advocacy Project provides immigration and related legal assistance in Maine.

IOLTA: Interest on Lawyer Trust Accounts is the mechanism by which certain client funds deposited with attorneys is pooled so that the accumulated interest is paid to the Bar Foundation to support legal services, law related education and other charitable purposes.

JAG: Justice Action Group is Maine's ad hoc committee for state planning for legal services and related issues. It has historically been chaired by a member of the Federal Judiciary, with Maine's Supreme Court represented as well as the MSBA, MBF, Law School and provider perspectives.

ACP: Advisory Committee of Providers works with JAG to provide provider perspectives on issues.

JAG Task Forces: committee structure of JAG dealing with specific issues or priorities, i.e. Resource Sharing, Administrative Law, etc.

LSC: Legal Services Corporation is the federally funded entity responsible for the provision of low income legal services through out the country. Pine Tree is the local LSC entity in Maine.

LSE: Legal Services for the Elderly is Maine's provider of legal services for those 60+. There is a network of such programs usually associated with other local recipients of federal and state funds for work with the 60+ population.

MBF: Maine Bar Foundation administers the IOLTA fund and works to support legal Services, improve the administration of justice and otherwise "inspire" the legal community. VLP is a project of the MBF which is administered by Pine Tree.

MCLSF: Maine Civil Legal Services Fund was created in 1990 and funded in 1997 with certain civil filing fees to support legal services in Maine. It is managed by 3 Commissioners appointed by the Chief Justice.

MCLU: Maine Civil Liberties Union is the local ACLU. MCLU works with legal service providers on certain CL cases, i.e. prisons.

MEJP: Maine Equal Justice Partners advocate on behalf of low-income people in Maine through representation in the courts, the Legislature, and administrative agencies; legal policy research and analysis; and education and training about their legal rights and opportunities to participate in public policy reform.

MLCE: Maine Law and Civics Education aka **EXCEL** is a coalition effort based at the Law School and offering a variety of law related educational projects, including bullying programs and mock trials.

MSBA: Maine State Bar Association is the professional organization of attorneys in Maine. It is a voluntary organization with a board of governors representing various regions of the state.

NAIP: National Association of IOLTA Programs is the national organization of IOLTA programs providing information, training and technical support. NAIP works with the ABA Commission on legal Services and NLADA to support and improve legal Services to low income and disadvantaged peoples and the administration of justice.

NLADA: National Legal Aid and Defender Association is the organization of professional public defenders and legal aid providers.

PTLA: Pine Tree Legal Assistance: Maine's LSC entity providing state wide legal services to low income people.

VLP: Maine Volunteer Lawyers Project provides information and pro bono assistance on civil legal matters; based in Portland and operated by PTLA for MBF.

BIBLIOGRAPHY OF PINE TREE LEGAL ASSISTANCE MATERIALS AND RELATED DOCUMENTS*

General information about legal services in Maine

- 1990 Report of the Maine Commission on Legal Needs (c.70 pages)*
- 1990 Executive Summary of the ME Commission on Legal Needs (24 pages)*
- 1993 Report of the Commission to Study the Future of Maine's Courts (124 pages)*
- 1998 LSC State Plan (30 pages) and more recent updates*
- Judge Coffin's May 2000 summary of legal services in Maine for the Justice Action Group*
- 2007 "Justice for All: A Report of the Justice Action Group Statewide Access to Justice Planning Initiative"

General information about Pine Tree Legal Assistance

- 1992 article for **Maine Bar Journal** in honor of Pine Tree's 25th anniversary*
- 1987 article for **Maine Bar Journal** in honor of Pine Tree's 20th anniversary and related articles on various aspects of legal services work*
- Docket Reports of significant cases brought by Pine Tree advocates from 1969 to the present;*

Standards for legal services programs

- ABA Standards for Civil Legal Services Providers (2007) available at www.abanet.org/legalservices/sclaid/downloads/civillegalaidstds2007.pdf
- ABA Standards for *Pro Bono* Programs (1996) available at www.abanet.org/legalservices/probono/standards.html
- ABA Draft Standards for Operations of a Telephone Hotline (2001) at www.abanet.org/legalservices/downloads/delivery/hotlinestandards.pdf
- Pine Tree's own "Standards of Practice" for its advocates (updated 2004)***
- Federal regulations (of the Legal Services Corporation) which apply to Pine Tree, available at <http://www.lsc.gov/laws/regulations.php>
- LSC Performance Criteria (2007) which can be downloaded at http://www.lsc.gov/press/updates_2007_detail_T158_R4.php

* available upon request

*** available on the Pine Tree web site, <http://www.ptla.org/staff.htm>